

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 22.04.2013

OA No. 496/2011

Mr. P.N. Jatti, counsel for applicant.
Mr. Y.K. Sharma, proxy counsel for
Mr. P.K. Sharma, counsel for respondent nos. 1 to 3.
None present for respondent no. 4.

Heard. O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 496/2011

Jaipur, the 22nd day of April, 2013

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Narangi Devi wife of Shri Chitariya by cast Patwa, aged about 49 years, resident of Village Nangla Store Bayana, C/o Kamal Singh Gurjar, Near Hanuman Temple, Bayana

... Applicant

(By Advocate: Mr. P.N. Jatti)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. Divisional Railway Manager, Western Central Railway, Kota.
3. Senior Divisional Personnel Officer, Western Central Railway, Kota.
4. Smt. Prem Devi aged about 65 years, by cast Patwa, resident of Brahambad- Sub Division, Bayana, Bharatpur (Rajasthan).

... Respondents

(By Advocates: Mr. Y.K. Sharma, Proxy counsel for
Mr. P.K. Sharma – Respondent Nos. 1 to 3.
None for respondent no.

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That by a suitable writ/order or the direction the respondents be directed to sanction the pension to pull on the family with effect from 27.11.2000 and the arrears be paid with a justified interest.
- (ii) That all the retiral benefits of the Deceased Chhitrariya be released as early as possible with a justified interest with effect from 27.11.2000 to the date of payment.
- (iii) Any other relief which the Hon'ble Bench deems fit."

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2. The learned counsel for the applicant submitted that the husband of the applicant, Mr. Chittariya, was an employee in the Railway Department. That he expired while in service on 26.11.2000. That the applicant tried her level best but the retiral benefits have not been paid to her by the respondents.

3. That Smt. Prem Devi also filed a SB Civil Writ Petition No. 7414/2002 before the Hon'ble High Court but the same has been dismissed as not being maintainable vide order dated 09.01.2009 (Annexure A/4). The learned counsel for the applicant also submitted that the applicant has obtained a Succession Certificate from the competent court (Annexure A/5).

4. The Identity Card of Mr. Chitariya also proves that the applicant is the widow of Mr. Chitariya (Annexure/6). Therefore, she is entitled to the family pension and all other retiral benefits like GPF, Gratuity, Leave Encashment, DIS, DLI etc.

5. On the other hand, the learned counsel for the respondents submitted that the two ladies namely; Smt. Narangi Devi and Smt. Prem Devi are claiming to be the wife of Late Shri Chitariya. Therefore, the respondents asked them to produce Succession Certificate by making party to each other vide order dated 08.03.2001 and 15.06.2009 (Annexure R/1). The learned counsel for the respondents further submitted that the Succession Certificate produced by the applicant no-where mentions that the other lady that is Smt. Prem Devi was made a

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party in the Suit filed for obtaining the Succession Certificate. Therefore, at this stage no relief can be given to the applicant.

6. Heard the rival submissions of the parties and carefully perused the documents on record. Annexure A/5 is a Succession Certificate issued by the Additional District Judge, Bayana, District Bharatpur (Rajasthan) in case No. 53/2001. The applicant is directed to file a fresh representation before the official respondents alongwith a copy of the Succession Certificate issued by the Additional District Judge, Bayana, District Bharatpur (Annexure A/5) within a period of fifteen days from today. In case the representation is filed by the applicant within the aforesaid period, in that eventuality, the respondents are directed to examine the representation as well as the Succession Certificate issued in favour of the applicant and then decide the representation by a speaking & reasoned order according to the provisions of law within a period of three months from the date of receipt of the representation submitted by the applicant. The applicant would be at liberty to file substantive OA, if any prejudicial order is passed by the respondents.

7. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
Anil Kumar
Member (A)