

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

08/01/2013OA No. 268/2012

Mr. D. N. Sharma, Counsel for applicant.
Mr. Mukesh Aggarwal, Counsel for respondents.

Heard.

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

K. S. Rathore
[Justice K. S. Rathore]
Member (J)

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Dated, this the 8th day of January, 2013

ORIGINAL APPLICATION No. 268/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Smt. Anju D/o Govind Das Vasnav
w/o late Shri Gopal,
aged 36 years, r/o Srinagar,
District Ajmer (Raj.)

.. Applicant

(By Advocate : Shri D.N.Sharma)

Versus

1. Union of India
through the Secretary,
Department of Posts,
Sansad Marg,
New Delhi.
2. The Principal Chief Post Master General,
Rajasthan Circle,
Sardar Patel Marg,
Jaipur
3. Superintendent,
RMS 'J' Mandal,
Ajmer.

.....Respondents

(By Advocate : Shri Mukesh Agarwal)

ORDER (ORAL)

The present OA has been filed by the applicant seeking order or direction directing the respondents to grant family pension and further seeks direction to consider her case for appointment on compassionate ground on account of death of her husband during the course of employment.

2. This being second round of limitation. Earlier the applicant preferred OA No.359/2011 claiming same relief. This Tribunal while disposing of the said OA vide its order dated 25.8.2011 directed the respondents to consider notice for demand of justice of the applicant dated 9.3.2011 expeditiously and in any case not later than a period of three months from the date of receipt of a copy of the order. Further opportunity was given to the applicant that if any prejudicial order is passed, she may file a substantive OA.

3. In pursuance to the direction issued by this Tribunal, representation/notice for demand of justice has been decided by the respondents assigning reason that the applicant is not legally wedded wife of Shri Gopal Sharma, therefore, she is not entitled to grant of family pension and also not entitled for appointment on compassionate grounds. The learned counsel



appearing for the applicant only referred Ann.A/3 wherein applicant's name has been nominated as wife.

4. Per contra, the learned counsel appearing for the respondents has strongly controverted the facts and submitted that late Shri Gopal Sharma expired while in service on 25.11.2005. It is not disputed that Shri Gopal Sharma got married with the applicant after 1986, therefore, he nominated his father for DCRG payment on 17.6.1986 and for CGEIS he nominated the applicant on 30.9.1991 vide Ann.R/2 and R/3. During life time of Shri Gopal Sharma, Smt. Anju Devi got remarried with Shri Govind Prasad Vaishnav on 4.2.1997 which fact reveals from the affidavit of the applicant Ann.R/6 and compromise dated 29.12.1997 (Ann.R/7). The applicant also extricated her relations with Shri Govind Prasad Vaishnav as per compromise dated 29.12.1997. Not only this, after got married with Shri Govind Prasad, he again got remarried with Shri Deen Dayal Vaishnav which is evident from the voter list of Vidhan Sabha Area Degana village Thanwala (Nagore) published in the year 2004 (Ann.R/8). When the applicant filed application dated 21.12.2005 claiming pensionary benefits by showing herself as wife of late Shri Gopal Sharma, the matter was got enquired through the IRM 'J' 1st Ajmer, who submitted his enquiry report



dated 23.1.2006 stating that Smt. Anju Devi left her husband late Shri Gopal Sharma 15 years ago and got remarried with another person Shri Govind Vaishnav and thereafter by next person Shri Deen Dayal. Thus, Smt. Anju Devi has totally separated herself from late Shri Gopal Sharma prior to his death. The IRM 'J' has submitted his report based on affidavit of the applicant dated 4.2.1997, compromise/affidavit of Smt. Anju Devi dated 29.12.1997, Certificate of Sarpanch of Village Patan, copy of the Ration Card of Shri Gopal Sharma, Voter List 2003 of Village Patan, Statement of Shri Prakash Nimawat village Thanwala and voter list 2004 of village Thanwala (Nagaur).

5. Having considered the rival submissions of the respective parties and upon perusal of the documents annexed along with the OA and the enquiry report submitted by the IRM 'J' Ajmer, it is well established that presently the applicant is not legally wedded wife of late Shri Gopal Sharma, as she has left Shri Gopal Sharma during his life time and remarried twice. In such circumstances, the applicant has no claim for family pension and appointment on compassionate appointment. The applicant could not show any material to establish that she is presently legally wedded wife of late Shri Gopal Sharma so as to



entitle her family pension and appointment on compassionate grounds.

6. Consequently, the order impugned dated 14.2.2012 (Ann.A/1), passed in pursuance to the direction passed by this Tribunal in OA No.359/2011, rejecting the representation/ demand of notice requires no interference by this Tribunal. Accordingly, the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

R/