

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Chandigarh, this the 20th day of August, 2015

**Review Application No.060/00029/2015
In
O.A. No. 060/00678/2014**

**CORAM:HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A.AGRAWAL, MEMBER(J)**

Mandeep Kaur

.....Review Applicant

VERSUS

UOI & Ors.

.....Respondents

Present: Mr. A.D.S. Bal, counsel for the applicant.
Mr. D.R. Sharma, counsel for the respondents No.1-3
None for respondent No. 4.

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This RA has been filed under Rule 17 of the CAT (Procedure) Rules, 1987 against the judgement dated 11.03.2015 in OA No. 060/00678/2014.
2. Apart from other submissions, it has been stated in paras 5 and 6 of the RA as follows:-

As _____

“5. That it is also specifically submitted that at no point of time either in the OA or in the replications referred to above, applicant or her counsel submitted or admitted that applicant had also filed a case before the Civil Court relating to issue of her marriage with Sh. Kashmir Singh deceased employee. Rather, she specifically stated in para 4(x) of the replication to the written statement filed by respondents No. 2 and 3 that if need be, applicant would approach the Civil Court of competent jurisdiction for getting her right determined and that for the time being, she is concerned with the future of her minor children, who are in illegal custody of respondent No. 4. The said para is reproduced below for ready reference:-

“4(x). That in reply to the contents of this para of the written statement, it is submitted that if need be, applicant would approach the Civil Court of competent jurisdiction for getting her right determined. However, for the time being she is concerned with the future of her minor children who are in illegal custody of respondent No. 4.”

6. That under these circumstances, it is apparent that this Tribunal proceeded on wholly wrong fact that applicant had already filed a case before the Civil Court relating to her marriage with Sh. Kashmir Singh – deceased employee. Thus, the order passed in the above noted OA is liable to be recalled/reviewed on this ground alone and consequently in the interest of minor children of deceased employee – Sh. Kashmir Singh, their future be secured in the manner pleased in the replication, as reproduced above.”

3. Today, learned counsel for the applicant has been heard in the matter when he pressed that the applicant had not filed any case before the Civil Court relating to the issue of her

Ms —

marriage with Sh. Kashmir Singh deceased employee and hence, the order dated 11.03.2015 merited review.

4. We have carefully considered the submissions of the learned counsel for the applicant in the RA. It is seen that para 6 and 7 of the order dated 11.3.2015 reads as follows:-

"6. Learned counsel for the respondents stated that the department had advised the parties in the matter to submit Succession Certificate so that the pensionary benefits of the deceased employee could be released to the rightful claimant but till date no action has been taken in this regard by the family members of the deceased employee.

7. We have given thoughtful consideration to the matter. Issues such as validity of the marriage of second wife and her claim to the benefits accruing on the death of the ex-employee are best decided through a Civil Court rather than a forum such as the Tribunal. Hence this OA is disposed of with direction to the applicant to establish her claim before the appropriate court of law. No costs."

5. The operative portion of the judgement dated 11.03.2015 is not affected by the factum of the applicant having filed/not having filed a case before the Civil Court relating to her marriage. It has merely been stated that the claim of the applicant, who admits to being the second wife of the deceased employee, to the benefits accruing on the death of the ex-employee, are best decided through a Civil Court rather than a forum such as the

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Tribunal and hence, the applicant was directed to establish her claim before the appropriate court of law.

6. In view of the above discussion, we are of the view that there is no merit in this RA and the same is rejected.

Ms de

(RAJWANT SANDHU)
MEMBER (A)

B. A. A. Agrawal

(DR. BRAHM A.AGRAWAL)
MEMBER(J)

Dated: 20.08.2015

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CENTRAL GOVERNMENT ADMINISTRATIVE TRIBUNAL

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

REVIEW APPLICATION NO. 060/00029/15 OF IN

ORIGINAL APPLICATION NO. 060/00678/2014

Mandeep Kaur APPLICANT(S)

VERSUS

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RESPONDENT(S)

The Review Application under reference has been submitted to the Tribunal by post/personally by Mr. D.D.S. Bal under Section 22(J) of the Administrative Tribunal Act, 1985 read with rule 17 of the Central Administrative Tribunal Rules of Procedure Rules, 1987 and is for Review of Judgment delivered by the Bench dated 11/3/2015

The Review Application has been scrutinized in the light of provisions contained in the Act and the Rules and has been found be in order.

The Review Application may be submitted to Hon'ble Member
Mr. Raywant Shinde Member (A) AND Hon'ble
Mr. D. Narayan Singh Member (J) for appropriate
orders by circulation.

9/4/15

Lalita Kumar
SECTION OFFICER (JUDL)
10/4/15

DEPUTY REGISTRAR

10/4/15

REGISTRAR

8/10/4/15

Hon'ble Member (J) (HOD)

Hon'ble Member (A/I)

May be listed for
hearing on 24th April

Hon'ble Member (A/I)

Hon'ble Member (J/I)

SO (Reg.)

12/5/15

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