

ORAL

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD**

(This the **25th** Day of **May**, 2018)

Hon'ble Mr. Sanjeev Kaushik, Member (Judicial)

Original Application No.330/884/2017

Smt. Washilla @ Warisha a/a/ 50 years, wife of Faiyaz, Resident of 283 Jakir Hussain Colony, Police Station Lisari Gate, District Meerut.

..... **Applicant**

By Advocate: Shri Dharmendra Tiwari

Versus

1. Chief Engineer, H.Q., Central Command, Lucknow.
2. Union of India, Ministry of Defence through Garrison Engineer (Utility) Military Engineer Service, Meerut Cantt, Merrut.
3. Anisha Wife of Late Ex-husband Faiyaz Ali, Resident of House No.373, Gali No.6-B Block, Zakir Hussain Colony, Police Station Lisari Gate, District Meerut.

..... **Respondents**

By Advocate: Shri Prabhash Pandey

O R D E R

Heard Shri Dharmendra Tiwari, counsel for the applicant and Shri Prabhash Pandey, counsel for the respondents.

2. With the consent of the counsel for the parties matter be taken up for final disposal at this stage.
3. By means of present Original Application, the applicant seeks a writ order or direction in the nature of mandamus commanding the respondents to not handover the terminal

benefit to the respondent No.3 coupled with the prayer that same may be released in favour of the applicant, who is legally wedded wife of the deceased employee.

4. After exchange of pleadings, it is borne out from the record that respondents have taken sole ground to reject her claim that the applicant is the second wife of deceased employee. Since her name had not mentioned in the office record, therefore, respondents cannot release terminal benefit to the applicant.

5. Counsel for the applicant apprise this court that deceased employee had already taken divorce from his first wife on 29.01.1999 copy of which has been annexed with the O.A., therefore, he submitted that applicant being the legally wedded wife of the deceased employee has full right to claim the terminal benefit in her favour. He also submitted that in view of the O.M. issued by the DoP&T, if the employees did not intimate about his second legally wedded wife even then the respondents cannot withheld the terminal benefit of the deceased employee. Therefore, he submitted that respondents may be directed to decide the claim of the applicant in view of the observation made above by this Hon'ble Court as well as considering the O.M. issued by the DoP&T as mentioned above.

6. Shri Prabhash Pandey, appearing on behalf of the respondents did not dispute the disposal of the O.A.

7. Considering the ad-idem between the parties and without expressing any opinion on the merits of the case, the Original Application is disposed of at this stage with the direction to the applicant to submit a representation annexing necessary documents to respondents within 07 days from the receipt of certified copy of this order and if the same is filed by the applicant within stipulated period of time, the respondents are directed to decide the claim of the applicant within a period of two months from the date of receipt of representation and if the applicant is entitled for the same then same may be released in her favour otherwise reasoned and speaking order may be passed by the respondents. Order so passed be duly communicated to the applicant.

8. Disposal of the OA in the above terms shall not be construed as an opinion on the merit of this case.

(Sanjeev Kaushik)
Member (J)

Sushil