

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **12th Day of July**, 2018)

Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)

Original Application No.330/1249/2014
(U/S 19, Administrative Tribunal Act, 1985)

Rajani alias Bitanu Devi wife of Shri Shiv Bahadur Pandey, R/o 11/7-A Champa Purva, Shuklaganj, District Unnao. At present residing at Village Rangpur, Fafamu, Tehsil Soraon, District Allahabad.

..... **Applicant**

By Advocate: **Shri D.S. Yadav**

Versus

1. Union of India, through its Secretary, Bharat Sanchar Nigam New Delhi.
2. General Manager, Bharat Sanchar Nigam Ltd. Kanpur Telecom, District Kanpur.
3. Chief Account Officer Kanpur, Telecom, District Kanpur.
4. Shiv Bahadur Pandey son of Late Gajadhar Pandey Resident of 11/7-A Champa Purva Shauklaganj, District Unnao.

..... **Respondents**

By Advocate: **Shri K.K. Mishra**

O R D E R

None present for the respondents even in the revised call.

Shri K.K. Mishra, Advocate is present for the respondents.

2. From the perusal of the pleadings, it appears that the applicant, Smt. Rajani @ Bitanu Devi has filed this Original Application claiming to be wife of one Shri Shiv Bahadur Pandey (respondent No.4), the erstwhile employee of Bharat Sanchar Nigam Limited (in short 'BSNL'). The respondent No.4 was

allegedly working on the post of mechanic in establishment of respondent No.2, who retired in the year 2013.

3. The applicant's claim is that respondent No.4 was married to another woman who had died in the year 1994. Thereafter, respondent No.4 married the applicant on 16.11.2000. The applicant has, further, alleged that after some time she was thrown out of matrimonial home. Therefore, the applicant has filed the present Original Application requesting this Tribunal to direct the respondents to consider the applicant as legal wife of respondent No.4 and to enter her name in official records pertaining to the respondent No.4 for the purpose of family pension etc.

4. Counsel for the respondents, Shri K.K. Misrha, has filed short counter reply and raised preliminary objection regarding maintainability of the Original Application. He, further, stated that grievance of the applicant does not pertain to service matter and, therefore, does not fall under the purview of this Tribunal. He has also stated that the Tribunal is vested certain powers to decide the issues regarding services matter of an employee of certain Departments. Family disputes cannot be adjudicated by this Tribunal. In any case, nomination of legal heirs has to be done by serving or retired employee himself or herself. Request of the applicant to get her declare as legal heir

of the applicant is to be adjudicated by the Civil Court and not by the Administrative Tribunals.

5. I agree with the submissions of the counsel for the respondents that this Tribunal is not competent to decide the claim of the applicant. Therefore, the O.A. is liable to be dismissed on this ground alone. Accordingly, the Original Application is dismissed as not maintainable. No costs.

(Justice Bharat Bhushan)
Member (Judicial)

Sushil