

**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P. No.490/2015 in O.A. No.667/2013

Tuesday, this the 23rd day of February 2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Mrs. Bhagwati
w/o late Mr. Sultan Singh
r/o H.No.144, Gali No.3, Azad Nagar
Near Railway Station, Distt. Bhagpat (UP)

..Applicant

(Mr. Yogesh Sharma, Advocate)

Versus

1. Mr. A K Puthia
General Manager
Northern Railway, Baroda House, New Delhi

2. Mr. N K Sharma
Divisional Finance Manager
Northern Railway, Delhi Division
State Entry Road, New Delhi

..Respondents

(Mr. S M Arif, Advocate)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

Original Application No.667/2013 was disposed of in terms of the Order dated 30.10.2014. Paragraph 7 of the Order reads thus:-

“7. In the circumstances, the Original Application is disposed of with direction to respondent No.2 to constitute a Committee of two responsible officers to conduct an in-depth fact finding inquiry into the matter. The Committee would give his report after giving an opportunity of hearing to applicant as well as taking into account the original record and such other material as also the oral deposition as considered relevant by it. On receipt of the report of the Committee, the competent authority would take decision regarding entitlement of the applicant for family pension. Needful shall be done as expeditiously as possible preferably within four months from the date of receipt of a copy of this Order. No costs.”

2. When Mr. Yogesh Sharma, learned counsel for applicant submitted that while inquiring into the matter, the Committee did not give any opportunity of hearing to the applicant, Mr. S.M. Arif, learned counsel for respondents rebutted the plea and submitted that such opportunity was given to her. Even from the inquiry report also, we find that the applicant had sought adjournment to produce certain documents and adduce more documents on record. Paragraphs 13 and 14 of the report read thus:-

“13. Smt. Bhagwati had asked for more time of week on 20.04.2015, as she wanted to provide more evidence placed at S. NO.36.

14. Smt. Bhagwati had provided residence proof on 05.05.2015 placed at S. No.30 & S.No.31.”

3. After the inquiry, the Committee found that after the death of his wife, Mr. Sultan Singh had not remarried and fraudulently added the name of his brother's wife, as his wife, based on the statement of his brother Daya Ram. The conclusion reads thus:-

“Conclusion

Based on the finding shown above, it is clear that Sh. Sultan Singh did not remarry after the death of his wife Smt. Kamlesh. Sh. Sultan Singh has fraudulently added the name of his brother's wife Smt. Bhagwati as his wife, based on the statement of his brother Daya Ram.

Smt. Bhagwati claiming Family pension is unable to provide any Railway pass in which her name has been mentioned.

Sh. Sultan Singh was compulsory retired as he had taken Privilege pass in the name of his nephew Sarvesh as documents provided by the office of C & W / NDLS shows.”

4. In the contempt proceedings, we cannot go into the correctness of the inquiry report. Once in implementation of the direction give by the

Tribunal the inquiry has been held and conclusion has been arrived at, no willful disobedience of the Order dated 30.10.2014 can be found.

5. Contempt Petition is disposed of. Notices issued to the respondents are discharged. It goes without saying that the applicant would be at liberty to question the inquiry report in original proceedings, if so advised. No costs.

(V.N. Gaur)
Member (A)

(A.K. Bhardwaj)
Member (J)

February 23, 2016
/sunil/