

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 8th day of March Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00325/2018

C.N. Balasubramanian,
S/o. C. Natarajan,
No.10, Vaathiyar Chinnapillai Street,
Royapettah,
Chennai- 600 014.

.....Applicant

(By Advocate : Mr.R. Malaichamy)

VS.

1. Union of India Rep. by
The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;
2. The General Manager,
Postal Accounts and Finance,
Tamil Nadu Circle,
Ethiraj Road,
Chennai- 600 008;
3. Director of Postal Accounts,
Tamil Nadu Circle,
Ethiraj Road,
Chennai- 600 008;
4. The Senior Superintendent of Post Offices,
Chennai City Central Division,
Chennai- 600 017.

... ..Respondents

(By Advocate: Mr. K. Rajendran)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. This O.A. has been filed by the applicant seek the following reliefs:-

- "i) to call for the records of the 4th respondent pertaining to his order which is made in No. C/OA1065/2017 dated 15.2.2018 and set aside the same, consequent to;
- ii) direct the respondents to grant family pension to the applicant and also to grant arrears of family pension to him with interest at the rate of 12% per annum."

2. Learned counsel for the applicant submits that applicant is aggrieved by the impugned order dated 15.2.2018 by which his claim for family pension following the death of his wife, Smt. B. Pushpavalli had been rejected on the ground that the inquiry conducted by with the authorities revealed discrepancies in the dates of birth of the deceased employee and her children. It is alleged that the applicant had not been involved in the inquiry. It is also submitted that since the deceased employee was an illiterate, wrong dates of birth might have been entered in the records/registers due to which the discrepancy had arisen. It is also alleged that the correct date of birth of the applicant's deceased wife was such that she was of marriageable age and her daughters and son could have been born after marriage. The respondents had erred in rushing to the conclusion that the claim was not bonafide only on the basis of the recorded date of birth of the applicant's deceased wife, it is contended.

3. On perusal of the impugned order, it is seen that the date of birth of the applicant's deceased wife Smt. B Pushpavalli was 15.2.1952 and she retired from service on 29.2.2012 after enjoying the benefit of service upto the age of 60 years. Further it is also seen that the dates of births of the three daughters and the sons recorded therein are 13.5.1964, 20.5.1967, 18.11.1972 and 5.8.1970 respectively. If the dates of birth of the applicant's wife was wrongly recorded and if she had indeed been born much before that date, she could not have enjoyed retention in service upto 29.2.2012. In any case, the impugned order raises a doubt about the factum as well as the validity of the marriage of the applicant with the deceased employee stating that it appeared beyond any doubt that this was a case of bigamy and marriage with Smt. B. Puphavalli might be null and void as per Hindu Marriage Act 1955 and on the analogy of GID 13 below Rule 54 of CCS (Pension) Rules 1972. The recorded dates of birth of the children except that of deceased employee are not challenged by the applicant.

4. Mr. K.Rajendran, Learned Standing Counsel for the respondents takes notice for the respondents and submits that the respondents would unable to process the claim of the applicant in the absence of a decree from a competent Civil Court to the effect that the applicant was a legally wedded husband of the deceased employee.

5. In the aforesaid facts and circumstances of the case, I am of the view that it is not possible for the Tribunal to adjudicate on the validity of the alleged marriage of the applicant with the deceased employee. It is for the

applicant to agitate his claim in an appropriate Civil Court and get a decree, without which, it would not be possible for the respondents to accede to the claim of the applicant. Accordingly, this OA is dismissed with liberty to the applicant to agitate his rights, if any, in the appropriate legal forum.

(R. RAMANUJAM)
MEMBER(A)

8.3.2018

asvs.