

**Central Administrative Tribunal
Madras Bench**

OA/310/00190/2016 A/W 310/00139/2018

Dated Thursday the 27th day of September Two Thousand Eighteen

P R E S E N T

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

OA 190/2016

G. Radha alias Kasthuri
W/o. Late M.C. Govindaraj
C/o. N. Indumathy
No. 4/34, Jani Badsha Street, Pudupakkam
Royapettah, Chennai 600 012.

... Applicant

By Advocate M/s. K.V. Subramanian Associates

Vs.

1. The Financial Advisor and Chief Accounts Officer
Integral Coach Factory
Perambur, Chennai – 600 038.
2. Senior Personal Officer/Welfare
Indian Railways, Integral Coach Factory
Chennai – 600 038.
3. The Union of India rep. by
The General Manager
Integral Coach Factory, Perambur
Chennai 600 023.

By Advocate Mr. P. Srinivasan

OA 139/2018

G. Manjula
No. 95, Ambedkar Street
Ashok Nagar
Arakkonam, Vellore District – 631 001.

.. Applicant

By Advocate **M/s. C. Prabakaran**

Vs.

1. The Financial Advisor and Chief Accounts Officer
Integral Coach Factory
Perambur, Chennai – 600 038.
2. The Assistant Personal Officer/Welfare
Indian Railways
Integral Coach Factory
Perambur, Chennai – 600 038.
3. The Union of India
Represented by
The General Manager
Integral Coach Factory
Perambur, Chennai 600 038.
4. Smt. G. Radha Alias Kasthuri
W/o. Late M.C. Govindaraj
C/o. N. Indumathy
No. 4/34, Jani Badsha Street
Pudupakkam, Royapettah
Chennai 600014.

.. Respondents

By Advocate **Mr. P. Srinivasan (R1-3)**

ORAL ORDER

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

Heard the counsel for the parties concerned.

2. OA 190/2016 has been filed by one G. Radha alias Kasthuri who claims to be the widow of late M.C. Govindaraj who died on 10.12.2013 as a pensioner of the respondents. It is submitted that the applicant had married the deceased employee on 15.04.1984 without being aware of the fact that the said Govindaraj was already married. However, after the latter filed OP No. 277/1987 before the Assistant City Civil Court, Chennai against his first wife for dissolution of the marriage that had taken place on 09.09.1964, the marriage was dissolved by a decree and order of the Civil Court dated 10.08.1988. Thereafter, the applicant remained the sole wife of the deceased employee.

3. The grievance of the applicant is that following the death of the employee, the applicant was granted family pension and was paid till February 2015 when the respondents suddenly stopped the family pension. The applicant seeks to challenge the impugned communication dt. 11/13.07.2015 in response to her representation dated 22.04.2015 in this regard wherein it is stated that since the applicant was married to the said Shri. Govindaraj before his marriage with his first wife was dissolved, the marriage was void and, therefore, she had no claim for family pension.

4. OA 139/2018 has been filed by the daughter of the first wife of the deceased

employee claiming family pension following the death of her father. It is submitted that the applicant's husband died on 06.10.2006 in an accident leaving her and her children without means and thus she had become a dependant of the deceased pensioner during his life time. Accordingly, she was entitled to family pension even though the marriage between her mother and father had been dissolved in the year 1988. The applicant in this case challenges Annexure A8 communication dated 20.10.2017 in which it is stated that family pension is first payable to the widow and as an OA is pending before the Tribunal in respect of a widow of the deceased employee, the question of family pension to a widowed daughter could not be considered until the dispute is settled in the court.

5. I have considered the facts of the case, pleadings and submissions made by the counsel for the parties. Prima facie, it would appear that the marriage entered into between the applicant in OA 190/2016 and the deceased employee was perhaps not valid as the previous marriage was subsisting as on that date which was dissolved only in 1988. However, after the marriage with the first wife was dissolved in 1988, it is not clear if there was any subsequent event by which the applicant in OA 190/2016 entered into a valid marriage with the deceased employee. It is not possible for this Tribunal to adjudicate on the validity of the marriage between the applicant in OA 190/2016 and the deceased employee in the absence of full facts. In any case, it appears that it is only a civil court of competence which can rule on the validity or otherwise of the marriage and not the Tribunal.

6. The respondents appear to have stopped the family pension as a measure of

abundant caution once it was brought to their notice that the marriage of the applicant in OA 190/2016 to the deceased employee might not have been legally valid. In such circumstances, it is for the applicant to approach the competent civil court to seek a decree/order to the effect that her marriage to the deceased employee was legally valid and produce the order of the Civil Court before the respondents to seek family pension.

7. Since the case of the applicant in OA 139/2018 could not be considered by the respondents only for the reason that OA 190/2016 is pending before this Tribunal which is being disposed of by this order, it is now for the respondents to consider the claim of the applicant in OA 139/18 in accordance with law and facts of the case and take an appropriate decision subject to any civil court order as to the status of the applicant in OA 190/2016, if and when produced.

8. The OAs are disposed of in terms of the above direction. No costs.

(R.Ramanujam)
Member(A)
27.09.2018

AS