

**Central Administrative Tribunal
Madras Bench**

OA/310/00445/2015

Dated Friday the 15th day of June Two Thousand Eighteen

P R E S E N T

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

C. Jayanthi
W/o. Late G. Chandrasekaran
24, Kamarajar Colony
Samathanapuram
Palayamkottai
Tirunelveli District.

.. Applicant

By Advocate **M/s. J. Antony Jesus**

Vs.

Divisional Personnel Officer
Divisional Office
Confidential Section
Southern Railway, Madurai.

.. Respondent

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

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

Mr. R. Rajasekar appears for the applicant and Mr. P. Srinivasan for the respondents. The applicant has filed this OA seeking the following relief:

"To set aside the order passed by the respondent in No. U/Z.735/I/11/13 dated 27.08.2014 and consequently direct the respondent to appoint the applicant in any one of the suitable vacancy as per the applicant's educational qualification in the respondent Department also direct the respondent to pay family pension pursuant to the death of her husband G. Chandrasekaran and thus render justice."

2. It is alleged that the applicant was a legally wedded wife of one G. Chandrasekaran who worked as Courier in Commercial Branch of Southern Railway, Madurai and died on 26.06.2011 at the age of 46. The Southern Railway settled the entire retiral benefits due to the applicant's deceased husband after production of requisite documents such as death certificate, legal heir certificate etc. The applicant also submitted her application for compassionate appointment and payment of pension by a representation dated 21.01.2013. However, the applicant's request was rejected on the ground that the applicant was in receipt of family pension from the postal department from the year 1998 due to the demise of one Shri. Sanjeevi, Postman/Head Post Office/Palaymkottai in the capacity of his wife. It was only by a letter dated 22.01.2013 that she wrote to the Postal Department to stop the family pension following her application for compassionate appointment in Railways.

3. It is submitted that the applicant never suppressed any material and the moment she came to know that her receipt of family pension from the postal department was coming in the way of consideration of her claim for compassionate appointment in the railways, she advised the postal department to stop the pension. The applicant was in financial distress and was in need of compassionate appointment, it is alleged.

4. Per contra, the respondents would submit that the applicant was in receipt of terminal benefits following the death of her husband who worked in the Railways. The applicant, after the death of her husband one Sanjeevi of Postal Department received family pension from that department from 05.06.1998 to 31.12.2012. She suppressed this fact while attempting to get family pension from the respondents as also compassionate appointment.

5. It is further submitted by the respondents that the applicant claimed remarriage with the said Chandrasekaran in the year 2004 in an original suit before the Civil Court wherein she had impleaded the relatives of late Sanjeevi but not the Railways and obtained an *ex parte* decree for receiving the terminal benefits of the Railway employee. Also, enquiries through Public Relation Officer of the Department, revealed that the applicant was financially well off and intended to settle at Madurai with her relatives. As the applicant was financially well off and also received family pension from the postal department the fact of which was suppressed while seeking compassionate appointment, the applicant could not be

considered deserving of compassionate appointment.

6. I have considered the case in terms of the material available on record. It has not been disputed that the applicant received family pension from Postal Department from 1998 to 2012 on account of the death of one Sanjeevi of that Department in her capacity as his wife. The applicant is unable to produce any documentary evidence to the effect that she had informed the department of her remarriage soon after the event. On the contrary, she continued to receive family pension from 2004 to 2012. In such circumstances, it is for the Postal Department to recover the excess family pension paid to her on account of suppression of facts. Clearly this OA cannot be entertained for want of bonafides of the applicant.

7. OA is dismissed. No costs.

(R.Ramanujam)
Member(A)
15.06.2018

AS