

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01085/2017**

**Dated Monday the 3<sup>rd</sup> day of September Two Thousand Eighteen**

**P R E S E N T**

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

S. Kamala  
No. 85A, Athuran Circle  
Ottapatti Panchayat  
Tirupattur Taluk, Vellore District. .. Applicant

By Advocate **M/s. Ratio Legis**

**Vs.**

1. Union of India represented by  
The General Manager  
Southern Railway  
Park Town,Chennai – 600 003.
2. The Divisional Personnel Officer  
Salem Division, Southern Railway  
Salem. .. Respondents

By Advocate **Ms. S. Sujatha**

## ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs:-

“To call for the records related to the impugned order No. SA/P500/NR/ONR/FP/KS dated 29.08.2016 made by the 2<sup>nd</sup> respondent and to quash the same and further to direct the respondent to extend family pension with effect from the date of death of her husband with all the attendant benefits with admissible interest and to make further order/orders”

2. It is submitted that the applicant is a widow of one late Sundaram who was allowed voluntary retirement from Railway Service as a Senior Trackman on 04.04.2009. The applicant is the second wife who entered into a 'valid' matrimony but not included in the relevant registers of the respondents. As the applicant was not being paid family pension, she filed an Original Petition for Succession Certificate before the Court of District Munsiff, Tirupattur, Vellore District. The Succession Certificate issued by the Court is at Annexure A2. Accordingly the competent authority ought to have released the arrears of family pension to the applicant as also monthly family pension regularly thereafter, it is contended.

3. The respondents have filed reply contesting the claim of the applicant. It is submitted that the late Sundaram, while in service declared his family composition till 01.01.2008 wherein one Smt. Rani had been shown as his wife. However, subsequently during the year 2008 itself, her name was deleted as per the death certificate submitted by the employee. While submitting his pension papers for

disbursement of retirement benefits the employee had not declared anyone as his wife and, therefore, he was sanctioned pension for himself only. It is contended that the Succession Certificate issued by the Court was not an appropriate document for sanction of family pension as family pension is payable only to a legally wedded wife. As there is no evidence to show that the applicant is a legally wedded wife, it is for the applicant to approach a competent court of law and obtain a decree to the effect that she was a legally wedded wife of the deceased pensioner and that the marriage subsisted till his death. The applicant on the other hand had approached this Tribunal which had no jurisdiction to interfere in such issues, it is submitted.

4. I have considered the matter. It is not in dispute that the applicant has not produced a decree of valid marriage from the competent court which is a prerequisite for sanction of family pension. Under such circumstances, I see no merit in the applicant's claim.

5. OA is dismissed with no costs.

(R.Ramanujam)  
Member(A)  
03.09.2018

AS