

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA/020/00102/2017  
Date of Order : 11-07-2018

Between :

Galam Pitchamma W/o Sri G.Subbaiah,  
Aged about 66 years, Occ : Housewife,  
R/o Seetharampuram (Village), Inavolu (Post),  
Nujendla Mandal, Guntur District, A.P.State. ....Applicant

AND

1. The Divisional Railway Manager,  
South Central Railway,  
Guntur Division, Guntur.
2. The Senior Divisional Personnel Officer,  
O/o DRM, Personnel Branch,  
South Central Railway,  
Pattabipuram, Guntur District.
3. The Senior Divisional Finance Manager,  
O/o DRM, Personnel Branch,  
South Central Railway,  
Pattabipuram, Guntur District.
4. Smt.G.Subbulu @ Sambulu, S/o Late Sri Galam Subbaiah,  
Aged Major, Occ : Housewife,  
R/o Parvathipuram (Village), Shivapuram Post,  
Vinukonda Mandal, Guntur District, A.P.State. ....Respondents

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Counsel for the Applicant: Mr. G. Jaya Prakash Babu

Counsel for the Respondents : Mrs.Vijaya Sagi, SC for Rlys  
Mr.G.V.L.Murthyfor R-4

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CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member )

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Heard Mr. G. Jayaprakash Babu, learned counsel appearing for the applicant and Mrs. Vijaya Sagi, learned Standing Counsel appearing for Respondents 1 to 3 and Mr.G.V.L.Murthy, learned counsel for Respondent No.4.

2. The brief facts relevant for considering the issues involved in the OA may be stated as follows :-

Late Galam Subbaiah, an employee in the Respondent Railways worked in different categories from 21.08.1978 to 31.12.2006. After his retirement he received pensionary benefits from Railways till his death on 01.02.2008. According to the applicant who claims to be the legally wedded wife of the deceased employee, her husband got her name entered as the legally wedded wife in the Service Record and in the proposals for Pension, Medical Card etc.,. Therefore after his death, the Railways paid family pension to the applicant till 2011. Sometime thereafter the 4<sup>th</sup> Respondent filed OS No.7/2011 before the Hon'ble Junior Civil Judge, Vinukonda to declare her as legally wedded wife of late Galam Subbaiah and obtained an ex-parte decree in her favour. After obtaining the ex-parte decree, 4<sup>th</sup> Respondent produced the same before the Railway Authorities and thereafter from the year 2014 onwards the Railway Authorities paid family pension to 4<sup>th</sup> Respondent basing on the said ex-parte decree. Having come to know about the said fact, the applicant herein filed a petition before the learned Junior Civil Judge and the ex-parte order was set aside by order

dated 13.04.2015 in IA No.216 of 2014 in OS No.7/2011. By virtue of the said order, now the ex-parte decree on which the 4<sup>th</sup> Respondent relied on is no longer in existence.

3. Under the aforementioned circumstances, the learned counsel appearing for the applicant would submit that since ex-parte decree is not in existence and as the applicant was paid the family pension till 2011 from the date of death of the deceased employee, the Respondents 1 to 3 may be directed to pay the family pension to the applicant. On the other hand Mrs. Vijaya Sagi, learned Standing Counsel for Respondents 1 to 3 would submit that since the Civil Suit regarding the marital status is pending before the competent court, it is not possible to pay the pension for the Department either to the applicant or to the 4<sup>th</sup> Respondent. In the instant case, for some time the applicant was paid pension basing on her nomination made by late G. Subbaiah, the deceased employee and subsequently for some time to the 4<sup>th</sup> Respondent basing on the ex-parte decree obtained in a Civil Court. Now the issue relating to the marital status of 4<sup>th</sup> Respondent is pending for consideration before the learned Junior Civil Judge, Vinukonda in OS No.7/2011. As rightly contended by the learned counsel for the official Respondents, I am of the view that till the issue is decided in OS No.7/2011, it would not be appropriate on the part of the Tribunal to issue any direction to the Respondent Railways to pay pension to the applicant. Under these circumstances, the applicant is directed to move an application before the Junior Civil Judge seeking earlier disposal of the OS No.7/2011 and the learned Junior Civil Judge, Vinukonda

shall dispose of O.S.No.7/2011 within a period of three months from the date of such an application.

4. The Respondents 1 to 3 are directed to pay the pensionary benefits as per the Rules and also in the light of the decree going to be passed in O.S.No.7/2011.

5. With the above direction, the OA is disposed of. No order as to costs.

(R.KANTHA RAO)  
JUDICIAL MEMBER

Dated : 11<sup>th</sup> July, 2018.  
Dictated in Open Court.

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