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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. O.A.350/01159/2016

Date of order : 19.12.2016

Present : Hon'ble Justice Mr. V.C. Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

TARULATA MONDAL

VS.

UNION OF INDIA & ORS.  
(E. RAILWAY)

For the applicants : Mr. S. Banerjee, counsel

For the respondents : Mr. A.K. Guha, counsel  
Ms. S. Saha, counsel (Pvt. Respondent)


ORDER

Per Justice V.C. Gupta, J.M.


In this case, there is a dispute between the two ladies with regard to entitlement of family pension of the deceased employee. The applicant herein claimed herself to be the legally wedded wife and stated that she has been granted alimony by the court.

2. None of the parties has brought on record the declaration made by the deceased employee during his service tenure with regard to entitlement of pension and other benefits of service. The competent court has not yet disposed of the controversy between the parties contesting for entitlement. So, the competent court may be approached by the applicant for declaration of her right to receive family pension in between two claimants. Hence, this court is not indulging in deciding the entitlement of family pension on the basis of personal law by which they are governed.

3. Hence, the O.A. is dismissed. Liberty is granted to the parties to approach the proper forum for deciding the entitlement of family pension.



(J. Das Gupta)  
Administrative Member  
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(Justice V.C. Gupta)  
Judicial Member