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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/01218/2015

Order on: 1.8.16.

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

ARSU SOREN

VS

UNION OF INDIA & ORS.

For the applicant : Mr.T.K.Biswas, counsel

For the respondents : Ms.G.Roy, counsel

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard the ld. Counsels for the parties and perused the materials on record.

3. This application has been filed seeking inter alia -

- a) release of family pension; and
- b) to provide an employment opportunity to one of the sons of the deceased employee immediately in order to save the family from distress.

4. Since multiple reliefs are not maintainable by way of a single application. Prayer (b) is being treated as not pressed with liberty to the applicant to prefer a separate application for the said relief.

5. In regard to prayer (a) it is noticed that the applicant is aggrieved as vide order dated 15.6.14, as contained in Annexure A/10, whereby and whereunder she has been asked to obtain succession certificate from a competent Court of Law for the following amounts :

"P.F. : Rs.51,000/-, GIS : Rs.46,233/-, DCRG : Rs.4,66,192/-."

6. The applicant claims to be the sole surviving legal heir of the deceased employee and therefore she is aggrieved as despite nomination in her favour,

the respondents have asked her to obtain a succession certificate in support of her contention that she is the only legally married wife of the deceased and there are no rival claimants for family pension. Ld. Counsel placed the following documents in substantiation of her claim :

- i) Certificate dated 8.7.11 from Joint Block Development Officer, Jamboni Development Block;
- ii) Voter I card issued on 18.2.95 with name of husband written as Raja Ram Soren;
- iii) Electoral Roll with No. WB/33/231/099747 of Binpur;
- iv) A certificate issued on 10.1.14 by Pradhan Panihati Gram Panchayat.

7. Per contra Ld. Counsel for the respondents vociferously objected to the claim on the ground that two ladies of same name i.e. Arsu Soren had come up with their claims. Confronted with such rival claims the authorities decided to get succession certificate from the ladies. The respondents have further submitted that the names of the family members furnished by the applicant did not tally with the names furnished by the employee in his lifetime as the Railway records would suggest. As per Medical Card dated 31.8.04 the deceased had named three daughters namely - Saimoni Soren (date of birth - 9.11.1980), Hiramoni Soren (date of birth - 10.1.1991), Luskimoni Soren (date of birth - 15.9.1993) and one son named Radhanath Soren (date of birth - 4.8.1981).

Whereas the legal heir certificate dated 24.4.11 issued by Pradhan, Sapdhara Gram Panchayat Office, submitted by the applicant depicted the following family members -

- i). Arsu Soren - wife
- ii) Radha Nath Soren - son
- iii) Tara Chand Soren - son
- iv) Pero Soren - son
- v) Idan Soren - son
- vi) Sonia Soren (Mandi) - married daughter

It was submitted that in view of apparent disparity, there was no other

It was noticed that the documents annexed to the reply, substantiate the Railways' claim. The family particulars Raja Ram Soren, infact depict the following :

PARTICULARS OF PERSONS ENTITLED

Sl. No.	Name	Date of birth	Relationship	Personal marks of identification
1.	R.R.Soren	28.5.57	Self	One black mole on right hand ankle
2.	Arsu Soren	12.12.61	Wife	
3.	Saimoni Soren	9.11.80	Daughter	One black mole on rt eye lid
4.	Hiramoni Soren	10.1.91	-do-	One cut mark on rt forehead
5.	Luskimoni Soren	15.9.03	-do-	One cut mark on rt arm
6.	Radhanath Soren	4.8.81	Son	One cut mark on left hand

Further, the voter I card used by the respondents is of one Arsu Soren where the photograph of the holder of the I Card could not be made out. Records reveal that another lady of same name i.e. either Arsu Soren or Arasu Soren preferred a rival claim to the family pension.

The respondents have depicted the following position :

"Raja Ram Soren S/o Late Babulal Soren was an employee of Kharagpur worked as MM Gr.I, bearing T.No. 16125, expired on 11.12.09 while he was in service. As per the deceased pass declaration, the following family member names were available :

Smt. Arsu Soren	Wife	D/B : 12.12.1961
Three sons	1 st son	D/B : 16.5.1976
	2 nd son	D/B : 24.3.1978
	3 rd son	D/B : 4.8.1981
Hiramoni Soren	1 st daughter	D/B : 10.1.1991
Luskumoni Soren	2 nd daughter	D/B : 15.9.1998

As per the deceased medical card, the following family member names were available :

Smt. Arsu Soren	Wife	D/B : 12.12.1961
Saimoni Soren	1 st daughter	D/B : 9.11.1980
Hiramoni Soren	2 nd daughter	D/B : 10.1.1991
Luskimoni Soren	3 rd daughter	D/B : 15.9.1993
Radhanath Soren		

After the death of Raja Ram Saren, two claims for settlement payments have been received on one identical name Arsu Soren claiming themselves as wives of the deceased.

Claimant No.1 and the applicant in the instant OA Smt. Arsu Soren whose residential address and family composition is furnished hereunder :

Arsu Soren, Vill : Nunia, P.O. Gidhni, P.S. Jhamboni, Dist. Paschim Medinipur.

1. Arsu Soren	Wife
2. Radhanath Soren	Son
3. Tarachand Soren	Son
4. Peru Soren	Son
5. Idan Soren	Son
6. Smt. Sonia Soren (Murmu)	Married daughter

Claimant No.2 and the respondent No. 6 in the instant OA Smt. Arsu Soren @ Arati Hembram whose residential address and family composition is furnished hereunder :

1. Arsu Saren	Wife
2. Barsai Saren	Son
3. Ku. Saimoni Saren	Daughter
4. Smt. Hiramoni Saren	Daughter
5. Luskimoni Saren	Married daughter

Pradhan, Parihati Gram Panchayat, Paschim Medinipur issued Heirship Certificate dated 10.1.14 certifying the following as legal heirs of the deceased Raja Ram Saren of Satpati Village at P.O.Gidhni :

1. Arsu Saren	Wife
2. Radhanath Soren	Son
3. Tarachand Soren	Son
4. Peru Soren	Son
5. Smt. Sonia Soren (Murmu) (Married woman)	Daughter

SDO/Jhargram issued certificate "To whom it may concern" to Raja Ram Soren on 15.12.2003 certifying the following family members residing at Nunia:

1. Arsu Saren	Wife	D/B : 12.12.1961
2. Radhanath Soren	Son	D/B : 4.8.1981
3. Miss Sai-Moni Saren	Daughter	D/B : 9.11.1980
4. Kum. Hiramoni Saren	Daughter	D/B : 10.1.1991
5. Kum. Luskimoni Saren	Daughter	D/B : 15.9.1993

9. In the Inspection Report, submitted by the respondents, the Welfare Inspector has referred to both the ladies as "Arsu Soren" whereas the

the other lady is Arati posing as "Arsu". The Welfare Inspector has, however, concluded that the paternal family members of the deceased employee, has recognised the marriage held between "Arasu" Saren and Raja Ram Saren leaving no iota of doubt in regard to the genuinity of the claim of the present applicant "Arasu".

10. The records produced by the respondents also amply demonstrate that during the enquiry the family members of Raja Ram Saren admitted that "Arsu" Saren is the legally wedded wife of Raja Ram Saren and that she had three sons namely Radhanath, Tarachand, Pero, Idam and one daughter Sunia which perfectly matches with the claim of the present applicant. The brother of Raja Ram has also admitted that his brother married for second time one Arti Hembram of Kharibhanga (Banstola) and the said Arti Hembram is also posing as "Arsu Soren" which is contrary to the family particulars, the employee had given in the Medical Card. Such enquiry by the administration/respondents has been legalised in ***Rameshwari Devi vs State Of Bihar And Others*** **[(2000)2 SCC 431]**. The Hon'ble Apex Court in a dispute relating to two wives of a deceased Govt. servant found the following :

"After the death of Narain Lal, inquiry was made by the State Government as to which of the wives of Narain Lal was his legal wife. This was on the basis of claims filed by Rameshwari Devi. Inquiry was quite detailed one and there are in fact two witnesses examined during the course of inquiry being (1) Sant Prasad Sharma, teacher, DAV High School, Danapur and (2) Sri Basukinath Sharma, Shahpur Maner who testified to the marriage between Yogmaya Devi and Narain Lal having witnessed the same. That both Narain Lal and Yogmaya Devi were living as husband and wife and four sons were born to Yogmaya Devi from this wedlock has also been testified during the course of inquiry by Chandra Shekhar Singh, Rtd. District Judge, Bhagalpur, Smt. (Dr.) Arun Prasad, Sheohar, Smt. S.N. Sinha, w/o Sri S.N. Sinha, ADM and others. Other documentary evidence were also collected which showed Yogmaya Devi and Narain Lal were living as husband and wife. Further, the sons of the marriage between Yogmaya Devi and Narain Lal were shown in records as sons of Narain Lal."

11. Therefore the position being crystal clear that the deceased has left behind two wives with children begotten by each, but the applicant is the first wife, the decision of the respondents to release his death benefits on the basis of succession certificate could not be supported. The respondents should give a

reasoned hearing to both and decide their claim according to the Pension Rules and law within three months from the date of communication of this order.

12. The OA therefore stands disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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