

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA050/00111 of 2016**

Date of order 30.08.2018

**CORAM**

**HON'BLE MR. JAYESH V. BHAIKAVIA, MEMBER (J)**

Kunti Devi, wife of Late Mithilesh Kumar Singh, C/o Raman Yadav, R/o Mohalla- Naga Bigha, Near Devi Asthan at P.S. and District- Aurangabad.

..... Applicant.

**By advocate: Sri U.K. Mishra.**

Verses

1. The Union of India through the Post Master General, Meghdoot Bhawan, GPO, Patna.
2. The superintendent of Post Office, Aurangabad Circle, Aurangabad.
3. The Director of Accounts (Postal) GPO Complex, Patna.

..... Respondents.

**By advocate: Sri Deepak Kumar.**

**ORDER (ORAL)**

**Per Jayesh V Bhairavia /M (J):-** In the present OA, the applicant has sought relief for a direction upon the respondents to pay family pension and all legal dues to the applicant being her husband who died in harness.

2. Learned counsel for the applicant submits that the applicant is legally wedded wife of late Mithilesh Kumar Singh, who was working as Postmaster in Kutumba Post Office in the district of Aurangabad, died in harness on 19.01.2015. It is contended that out of the wedlock, the applicant gave birth of a daughter namely Arti Kumari. The applicant further contended that as per the Family Member Certificate issued by the Circle Officer, Nabinagar, the applicant and

her daughter, Arti Kumari have been shown as wife and daughter of the deceased, (Annexure- A/3).

3. It is further contended that due to family dispute, the said Mithilesh Kumar Singh was not maintaining the applicant and her daughter, therefore, she had filed case for maintenance, being Miscellaneous Case No. 176/2013 against her husband before the Principal Judge, Family Court, Aurangabad and the Court had passed an order in favour of the applicant, (Annexure-A/5). It is further contended that the Family Court, Aurangabad in its order dated 21.10.2014 observed that as the opposite party, i.e. her husband, namely Mithilesh Kumar Singh has not rebutted the allegations levelled against him. It is further observed that it can be deemed that he has impliedly accepted the allegation levelled against him and by observing the same, the Family Court had granted interim maintenance to the applicant, accordingly opposite party, i.e. Mithilesh Kumar Singh was directed to pay Rs. 4,000/- per month as interim maintenance to the applicant and her daughter. This clearly established the fact that the applicant is the first wife of the deceased employee, namely Mithilesh Kumar Singh and entitled to receive family pension and other retiral dues.

4. Learned counsel for the applicant further submits that the applicant has submitted representation before the respondents on 17.04.2015 and brought to the knowledge to the fact that she is a legally wedded wife of late Mithilesh Kumar Singh and she is entitled to receive all retiral dues as well as family pension of her husband. It

was also stated in the said representation that one lady, namely Mamta Devi, who claimed to be a wife of Mithilesh Kumar Singh (second wife) and demanded the reitral dues of her husband, therefore, she has requested the concerned authority to grant family pension and all retiral dues of her husband and also prayed to consider the claim for appointment on compassionate ground of her daughter namely Arti Kumari (Annexure-A/6).

5. Learned counsel for the applicant further submits that in view of the documents produced by the applicant, she is entitled for the relief as prayed for in this OA.

6. In contra, the respondents have filed their WS.

7. Learned counsel for the applicant submits that the copy of order dated 21.10.2013 passed in Miscellaneous Case No. 176/2013 by the Principal Judge, Family Court, Aurangabad was received in the office of respondents on 19.12.2014 and the same was forwarded to the Office of SDI (P), West Sub Division for enquiry in respect to the marital status of the said Mithilesh Kumar Singh. However, during the pendency of the inquiry, said Mithilesh Kumar Singh died on 19.01.2015. It is further submitted that thereafter Kunti Devi and one Smt. Mamta Devi, claiming to be widow of deceased, i.e. Mithilesh Kumar Singh have filed representation before the respondents authority, in the capacity of wife, for getting all benefits. Both have submitted Family Member Certificate issued by the Circle Officer, Nabinagar. The respondents could not take any decision for releasing

retiral benefits due to claim made by two ladies being the wife of late Mithilesh Kumar Singh. Accordingly, both claimants were directed to submit Succession Certificate issued by the competent authority to substantiate their claims. It is further submitted that both the claimants failed to submit Succession Certificate till date. 8. I have perused the records and considered the submissions made by the respondents, which are not rebutted by the applicant. It is observed that the respondents have directed the applicant to submit Succession Certificate issued by the competent authority, the same has not yet been produced by the applicant. It is also noticed that there are 2 claimants, i.e. the applicant, namely Kunti Devi and one Smt. Mamta Devi, both have claimed to be wife of late Mithilesh Kumar Singh, who was working as Postmaster with the respondents, Postal Department, who died in harness on 19.01.2015. The claim of the applicant cannot be decided in absence of proper Succession Certificate. In the circumstances, the action of the respondents cannot be said to be suffered from any infirmities.

9. In view of the above, no relief as sought in this OA can be granted to the applicant. Accordingly, this OA stands dismissed. However, it is always open for the applicant to submit appropriate Succession Certificate to substantiate her claim as successor of late Mithilesh Kumar Singh being his wife and to receive family pension and other retiral dues of late Mithilesh Kumar Singh.

[ Jayesh V. Bhairavia ]M(J)

BP/