

**Central Administrative Tribunal
Madras Bench**

OA 310/01475/2018

Dated Monday the 5th day of November Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

V. Mangalam
Door No. 11/53, Shanthi Street
Ponmalaipatty, Trichy. .. Applicant

By Advocate M/s. **K. Karthik Jaganathan**

Vs.

1. Union of India
Rep. by the General Manager
Southern Railway
Park Town, Chennai – 600 003.
2. The Chief Personnel Officer
Southern Railway
Park Town, Chennai – 600 003.
3. The Workshop Personnel Officer
Central Workshop
Southern Railway
Golden Rock, Trichy – 4.
4. The Senior Financial Manager
Workshop & Stores
Southern Railway
Golden Rock, Trichy. .. Respondents

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

Heard both sides. This is an application filed by the second wife of the deceased T.S. Vadivelu who was working in the office of the 3rd respondent who died in harness seeking the following reliefs:

“To call for the records of Late T.S. Vadivelu, S/o T.D. Saminathan, Technician, Grade-II, Crane Driver, BRS/GOC (T.No. 6811)(died in harness on 15.08.2005) and to direct the respondents to disburse his Terminal and Pensionary benefits together with interest to the applicant herein and to pass such further or other orders”

2. The applicant's case is that her husband T.S. Vadivelu, Technician, Grade II Crane Driver working under Respondent No. 3 died in harness on 15.8.2005 and the terminal benefits belonging to the deceased Vadivelu is not released to the applicant so far. According to the applicant, the deceased Vadivelu divorced Chitra and he has married her legally and she is entitled to get the benefits .

3. Heard the counsel for the applicant and perused Annexures A1 to A15. On going through the application, it is seen that Vadivelu was having a first wife by name Chitra, and he had filed HMOP 30/99 before the Subordinate Court, Trichy for divorce. The said OP was allowed *ex parte* and a decree for divorce was

granted on 20.03.2001. According to the applicant she had married the deceased Vadivelu thereafter and hence she is the legally wedded wife of the deceased Vadivelu.

4. On going through the pleadings and plaint filed OS 733/2014 by the first wife Chitra it can be seen that immediately on knowing the *ex parte* decree the said first wife had filed IA 9/2002 for setting aside the *ex parte* decree passed against her in 2002 itself and the court had set aside the *ex parte* decree passed in favour of the deceased Vadivelu and thereafter the OP was pending for trial. Subsequently the deceased Vadivelu became absent and it was dismissed by the Court for default. There is no effective decree of divorce there at present. Thereafter applicant and the first wife had filed OP for succession but it was not granted thereupon. The first wife again filed declaration suit before the District Munsif, Tiruchirapalli as OS 733/2014 and she has filed the above suit seeking declaration that she is the legally wedded wife of the deceased Vadivelu. In the meanwhile, the applicant had obtained succession certificate showing her as the legal heir and she had filed application for getting terminal benefits. From the above, it can be seen that there exist a suit for declaration of status before the District Munsif, Tiruchirappalli (copy produced as Annexure A12) and it is seen that the terminal benefits are not released to the petitioner. Going through the pendency of the above suit, there is no merit in the contention of the applicant that she should be given the terminal benefits without waiting for the decision of the status of the first

wife. So we find no merit in the OA. The applicant has failed to make a *prima facie* case and hence OA is liable to be dismissed at the admission stage itself. The applicant can file fresh OA if she is aggrieved, after the decision in the declaration suit pending before the District Munsif Court. Accordingly OA stands dismissed.

(T. Jacob)
Member (A)

05.11.2018

(P. Madhavan)
Member(J)

AS