

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA No. 533/2019

New Delhi, this the 15th day of February, 2019

Hon'ble Mr. Pradeep Kumar Member (A)

Smt Geeta Rani (Aged about 56 years)
W/o Late Sh. Mohan Lal,
R/o L-667, Mangol Puri, Delhi-110083
Mob. No. 9213389401Applicant

(By advocate : Mr Sanjeev Kumar Gupta)

Versus

1. Delhi Jal Board,
Through its Chief Executive Officer,
Varunalaya Phase-II,
Karol Bagh, New Delhi-110005
2. The Member (Administration),
Delhi Jal Board,
Varunalaya Phase-II,
Karol Bagh, New Delhi-110005
3. The Executive Engineer (NW)-I,
Delhi Jal Board,
H-Block, Udyog Vihar,
Peera Garhi, New Delhi-110041Respondents

O R D E R (O R A L)

Mr. Pradeep Kumar Member (A):

1. Heard Mr Sanjeev Kumar Gupta learned counsel for the applicant.
2. The applicant herein is the second wife of one Shri Mohan Lal who was under employment of Delhi Jal Board. The said employee had died in the year 2018, The applicant, Smt Geeta Rani is feeling aggrieved that despite the orders of the Tribunal in OA no 3187/2018 passed on 27.08.2018, she has not been paid family pension. In this OA following orders were passed-

“The applicant made a representation dated 06.04.2018 and submitted that the department has not communicated their decision despite requests. The respondents must decide the representation of the applicant (Anexure A-6) within a period of thirty days. The second relief claimed by the applicant is that the respondents are denying the pension and pensionery benefits and they are sleeping over the legal right of the applicant for a long.

I hereby direct the respondents to decide this application within a period of four weeks, failing which the applicant may approach this Tribunal.”

3. In compliance thereof the respondents have passed a speaking order dated 09.10.2018 to this letter reads as under:

“Please refer to your applicantion/letter dated 06.09.2018 and 23.07.2018 on the subject mentioned above.

In this content, it is to communicate that case facts documents available in the Service-Record, Smt Geeta Rani/ you was married to Lt. Sh. Mohan Lal, Ex employee, in the year 1985 at that time his first wife named Smt Krishna Devi was alive.

The case file was sent to Law Officer and AO(PN) for expert legal advice on the issue under reference. They stated that as per enacted Hindu law, the second marriage solemnized by Ex. Employee is void ab-initio as such the second marriage is treated illegal.

Keeping in view, Smt Geeta Rani/Second wife of Lt. Sh. Mohan Lal is not entitled for grant of any pension benefits of Delhi Jal Board.

This issue with the approval of competent authority.”

4. Therefore, the pension claim of Smt Geeta Rani has been refused by the respondents on account of her marriage being not legal. Feeling aggrieved, the instant OA has been filed.
5. The matter was heard at length at admission stage Shri Sanjeev Kumar Gupta represented the case of applicant.

6. It is seen that Late Shri Mohan Lal had married the applicant namely Smt Geeta Rani in the year 1985 as is very clearly indicated in the speaking order dated 09.10.2018. This information was gathered from the service record itself of the late employee. At that time, his first wife namely Smt Krishna Devi was alive. Accordingly the second marriage was not legal.
7. Applicant is unable to produce any policy, permitting family pension under such circumstances. Therefore, the applicant is not entitled for family pension. There is no fault with the orders passed by the respondents.
8. OA is dismissed at admission stage itself. No costs.

**(Mr. Pradeep Kumar)
Member (A)**

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