

**Central Administrative Tribunal
Madras Bench**

OA/310/00943/2019

Dated the 30th day of July Two Thousand Nineteen

P R E S E N T

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

R.Saroja
W/o late N.Ramasamy,
'B' Block 151,
MMDA Colony,
Arumbakkam,
Chennai 600106. .. Applicant
By Advocate **M/s.Ratio Legis**

Vs.

1. Union of India, rep by
The General Manager,
Southern Railway,
Park Town,
Chennai 600 003.
2. The Divisional Personnel Officer,
Madurai Division,
Southern Railway,
Madurai. .. Respondents

By Advocate **Mr.P.Srinivasan**

ORDER

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

This is an OA filed seeking the following relief:-

“....to call for the records related to the order No.U/P353/OA 1353/15 dated 09.12.2015 made by the 2nd respondent and the representation dated 17.4.2018 and to direct the respondent to extend family pension with effect from the date of death of her husband with all the attendant benefits with admissible interest and to make further order/orders as this Tribunal may deem fit and proper and thus render justice.”

2. The applicant states that she is the widow of late N.Ramasamy who retired from Railways as Painter at Virudhunagar in Madurai Division. While the applicant and late N.Ramasamy were living together, there occurred differences of opinion and N.Ramasamy deserted her. She filed a case for maintenance under section 125 Criminal Procedure Code (CPC) before Judicial First Class Magistrate, Virudhunagar and she was granted with an order of maintenance on 14.2.1984.

3. Her husband died subsequently. She approached the respondents for family pension on 14.2.15. No order was communicated and hence filed OA 1353/15. This Tribunal directed the respondents to consider her representation. On 28.9.15 the 2nd respondent turned down her representation. She filed OA 1/16 and it was disposed off with a direction to prove her status by obtaining a decree from the competent Civil Court. She then filed another representation before the respondents on 17.4.18 along with a copy of the order of granting maintenance and a copy of sterilization certificate. But the respondents has not passed any order. So, the applicant filed this

OA.

4. Mr.P.Srinivasan takes notice for the respondents and submits that the applicant has not complied with the order of this Tribunal in OA 1/16 to establish her status and obtain a decree in her favour from the competent civil court.

5. Heard both sides and perused the pleadings and records produced. It seems that the applicant's name was not there in the Pension Payment Order passed in 1986. This Tribunal has directed in OA 1/16 to prove the marital status of the applicant through a decree of Civil Court on 22.8.16. But the applicant did not adopt such a course for reasons best known to her. Instead of doing it an OA was filed producing a typed, unattested, incomplete order of JFCM, Virudhunagar under section 125 Cr.PC to show that the applicant is the wife of the deceased Ramasamy. The said order is incomplete and it does not bear the seal of the Court also. It does not contain any order to grant any maintenance. The applicant has failed to make out a *prima facie* case and hence it is liable to be dismissed.

6. Accordingly, OA will stand dismissed at the thrushhold itself.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

30.07.2019

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