

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

**MA/310/00317/2019 & MA/310/00318/2019
in OA/310/00081/2017**

Dated Monday the 17th day of June Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

Mr. P. K. Ponmalai,
No. 17/16, Elur Post,
Puduchatram,
Namakkal Taluk and District.

....Applicant/Applicant

By Advocate M/s. U. Karunakaran

Vs

1.The Chief Post Master General,
Anna Salai, Chennai 600002.

2.Senior Accounts Officer,
(Pension Section),
Ethiraj Salai,
Chennai 600008.

3.The Superintendent of Post Offices,
Namakkal Division,
Namakkal 637001.

....Respondents/Respondents

By Advocate Mr. C. Kulanthaivel

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. MA 318/2019 has been filed to set aside the order dt. 18.04.2018 and restore the OA. On perusal, it is seen that the MA does not provide any valid reasons for the absence of counsel for the applicant on several dates before the same was dismissed for default. MA 317/2019 is filed for condonation of delay in filing MA for restoration. However, it gives no valid reason for delay of 334 days in filing the same.

2. On further perusal, it is seen that the applicant had claimed family pension as 2nd wife of the late employee which was not agreed to by the respondents as the marriage had taken place during the life time of the 1st wife and before the date of his divorce with her. In such situation, if the 2nd wife had any claim, it was for her to agitate it before the appropriate Civil Court. We are unable to see any legal infirmity in the stand by the respondent that she was not a legally wedded wife in the absence of a decree by a competent court.

3. Mr. C. Kulanthaivel appears for the respondents and submits that the respondents had already filed a reply stating that after due consultation with the Ministry of Law, the respondents had taken a stand that in the absence of an appropriate decree from a competent Civil Court, the claim could not be entertained.

4. The OA is prima facie devoid of merits as this Tribunal cannot adjudicate on

the validity of a second marriage before divorce with the legally wedded wife. No useful purpose would be served by restoring the OA. In any case, the explanation for the delay is anything but convincing. Accordingly, the OA is not liable to be restored. MAs are dismissed.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

17.06.2019

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