

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00198/2018

Date of Order: This, the 30th day of July 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Rita Saw
Wife of Late Ratan Saw
Resident of Vill & P.O. – Srirampur
P.S. – Gossaigaon
Dist – Kokrajhar, BTC, Assam, Pin – 783360.

...Applicant

By Advocates: Sri I.A. Talukdar & Sri B. Hussain

-Versus-

1. Union of India
Represented by General Manager, North East Frontier Railway, Hd. Qtr. Maligaon, Assam, Pin - 781011
2. The Divisional Railway Manager (Personnel)
N. F. Railway, Alipurduar Junction
P.O. & P.S. & Dist. – Alipurduar
West Bengal, Kolkata- 736121.
3. Smt. Rita Prasad
Daughter of late Kalika Prasad
Wife of Sri Lalu Prasad
C/o – Raju Prasad
Resident of Hasimara Railway Station
Quarter No. E/A., P.O. – Hasimara
P.S. – Joygan, Dist. – Alipurduar
West Bengal, Pin No. – 735215.

...Respondents

By Advocates: Ms. U. Das, Railway SC for res. Nos. 1 & 2
Sri B.N. Sharma for respondent No. 3

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

By this O.A., applicant makes a prayer for a direction upon the respondent authorities to consider her case afresh as per law without depriving from her legitimate claim of compassionate appointment. Further prays not to entertain any application of the private respondent No. 3 in any manner as she is a stranger and not legally married wife of the deceased husband of the applicant Late Ratan Saw.

2. Heard Sri I.A. Talukdar, learned counsel for the applicant, Ms. U. Das, learned railway standing counsel for respondent Nos. 1 & 2 and Sri B.N. Sharma, learned counsel for private respondent No. 3.

3. Sri I.A. Talukdar, learned counsel appearing on behalf of the applicant submits that the husband of the applicant Ratan Saw, who was an employee under the railways, died in harness on 21.07.2014 leaving behind the applicant. After the death of her husband, the applicant made an application for payment of outstanding dues against the name of the deceased employee on 25.09.2014. Accordingly,

the railway authority paid an amount of 13,620/- through applicant's Bank Account.

4. Sri Talukdar further submits that the applicant submitted an application before the respondent authority for her appointment on compassionate ground in any post as per her qualification. However, the applicant came to know from the office of the DRM (E), Alipurduar Junction that one lady namely Mrs. Rita Prasad appeared before the DRM (P), Alipurduar and claimed to be the 1st wife of deceased Ratan Saw without any documentary proof. Thereafter, the railway authority stopped the other service benefits and compassionate appointment to the applicant.

5. On query to Ms. U. Das, learned railway standing counsel appearing on behalf of respondent Nos. 1 & 2 as to why the compassionate appointment as well as settlement of dues has been stopped, Ms. Das replied that initially the department processed the matter for consideration of compassionate appointment to the applicant. However, another Smt. Rita Saw, daughter of Kalika Prosad, Vill – Railway Colony, New Hasimara, P.O. – New Hasimara, Dist – Alipurduar

(W.B) also claimed as a wife of Ex. employee and applied for all pensionary benefits against the deceased employee.

6. It was further submitted by the learned railway standing counsel for the respondents that during life time, the deceased employee did not give any information to the administration about his marital status. But after death of the Ex-employee, the railway administration had received two claims from Smt. Rita Saw, daughter of Kalika Prasad and Smt. Rita Saw, daughter of Kamal Saw, for pensionary benefits against the deceased employeee. Both claimed as legal wife of deceased employee. But as per declaration of deceased employee Late Ratan Saw in his service record, Shri Hiralal Saw (Brother) is the only legal heir and no others' name is mentioned in his service record.

7. To substantiate the argument, Sri I.A. Talukdar, learned counsel for the applicant has drawn my attention to the Marriage Deed dated 24.02.2014 sworn before the NOTARY PUBLIC, Gossaigaon declaring that the marriage between Smt. Rita Kumari, daughter of Sri Kamala Prasad Shaw and Sri Ratan Saw, son of Late Dasharat Saw was solemnized on 24.02.2014

and therefore, the applicant is entitled to get the benefit of settlement dues as well as compassionate appointment.

8. By countering the arguments advanced by Sri I.A. Talukdar, learned counsel for the applicant, Sri B.N. Sharma, learned counsel appearing on behalf of the private respondent No. 3 submits that private respondent No. 3 got married with the deceased employee Ratan Saw long back of 2002 whereas the applicant has shown to be married with Ratan Saw in the year of 2014. According to Sri Sharma, on survival of 1st wife, 2nd marriage is invalid. As such, the applicant who is so-called 2nd wife, cannot be entitled for any compassionate appointment or any benefits accrued on being died in harness.

9. Sri Sharma has drawn my attention to the Marriage Certificate of Maa Mahamaya Mandir issued by the Mahamaya Mandir Managing Committee, Bagribari in the year of 2017 wherfrom it reveals that the private respondent No. 3 got married with the deceased employee Ratan Saw in the year of 2002.

10. Now the issue before me is for consideration of compassionate appointment as well as settlement of other retirement benefits. The certificates submitted by the applicant

as well as private respondent No. 3 are not at all satisfactory to prove the marriage solemnization as a "Valid Marriage" and "Who is the legally 1st wife" of the deceased employee Late Ratan Saw. The above controversies, be settled by the Competent Forum and accordingly, parties are hereby directed to approach before the Competent Forum to ascertain the legality, so far the marriage is concerned.

11. With the above observations and directions, O.A. stands disposed of. There shall be no order as to costs.

**(MANJULA DAS)
MEMBER (J)**

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