



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.612 of 2014

Date of order : 29.7.19

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

CHINTAMONI THAKUR(NAO)
VS.
UNION OF INDIA & ORS.
(Eastern Railway)

For the applicant : Mr. S.K. Bhattacharyya, counsel
For the respondents : Mr. A.K. Guha, counsel

ORDER

Bidisha Banerjee, Judicial Member

The applicant, claiming her as widow of one Ramnath Rao @ Ram Nath Thakur, has preferred this O.A. to seek the following reliefs:-

- a) An order directing the concerned Respondent No.1 for disbursement of family pension, gratuity amount and remaining other retirement benefits without any further delay;
- b) Interest @ 18 per cent per annum for the period from the date of the sanction of the retirement benefits till the date of actual disbursement of the family pension;
- c) Costs pertaining thereto;
- d) Such further order or orders, direction/directions be passed so as to this Learned Tribunal may deem fit and proper in accordance with law."

2. The applicant has alleged that she is legally entitled to family pension, yet the same has been unnecessarily withheld by the respondent authorities and her representations made lastly on 22nd November, 2008 has neither been responded nor family pension has been released along with other dues.

3. Per contra the respondents have averred that Ram Nath Rao a Fitter Gr.I under IOW/BNJ of AEN/BT retired on 30.06.1995 under "age rule". His settlement dues as admissible along with self pension were released at the material time of his retirement. A dispute arose regarding form 6(Family declaration/particulars) of pension Booklet as submitted by him. In the family particulars of Pension Booklet the employee declared Medha Devi as wife, 4 sons and unmarried daughter and submitted joint joint photographs with the said Smt. Medha Devi. He also nominated Medha Devi as nominee towards settlement dues like commutation value of DCRG, Provident Fund, GIS, Leave Salary etc. Accordingly family pension was sanctioned in favour of Smt. Medha Devi. But it could not be released due to family disputes. That scrutiny of service records revealed that Ram Nath Rao had plural wives and the first wife Medha Devi was getting monthly maintenance by way of salary attachment of the employee. He submitted a fresh declaration in writing on 17.06.1995 which was as follows:-

- | | |
|--------------------------------|--|
| "1. Smt. Medha Devi | : 1st wife |
| 2. Sri Ramdulara Hazam | : Son-out of 1 st wife |
| 3. Sri Matilal Nao | : Son-08.10.73, out of 2 nd wife |
| 4. Sri Lalmohan Nao | : Son-22.04.77, out of 2 nd wife |
| 5. Dilip Nao | : Son -15.12.81, out of 2 nd wife |
| 6. Koushalya Nao | : U/m daughter-07.09.85, out of 2 nd wife |
| 7. Sabita Nao | : U/m daughter -16.12.88, out of 2 nd wife |
| 8. Mamata Nao | : U/m daughter - 05.12.89, out of 2 nd wife |
| 9. Sri Jitendra Nao | : Son - 19.10.92, out of 2 nd wife |
| 10. Lalita Nao | : U/m daughter - 10.10.93, out of 2 nd wife |
| 11.Smt. Chintamoni Devi | : 2nd wife" |

The respondents have further averred that Medha Devi was awarded maintenance of Rs.300 by competent court of law by way of salary attachment. According to the respondents, on marrying Chintamoni Devi during the lifetime of first wife Medha Devi and without a legal separation from her Sri Ram Nath Nao violated Hindu Marriage Act, 1955. In terms of Railway rules, wards from first wife would be eligible for family pension and, thereafter wards of second wife and therefore, sons and daughters born out of 2nd wife may get family pension only on their admissibility, submission of claim with supporting documents and papers etc. But claim of Chintamoni Thakur (Nao), 2nd wife of Ram Nath for family pension was not tenable.

4. The applicant by way of rejoinder has alleged that the respondent authorities have taken advantage of her illiteracy and have not released the following amounts that became payable as retirement benefits of the employee:-

"a) Gratuity(at that relevant time)	Rs.25,593/-
b) Insurance money(at that relevant time)	Rs.6,068/-
c) Leave encashment(at that relevant time)	Rs.18,257/-
d) Commuted value of Pension(at that relevant time)	Rs.27,615/-
e)Family Pension"	

The applicant has also alleged that the respondent authorities fabricated the name and particulars of the family members of her deceased husband by creating a fictitious son by the name of Ramdulara Hazam, contrary to the declaration of the family members as provided by the employee during his lifetime. The applicant has

averred and asserted that during the lifetime of the employee she was known as Medha and, therefore, Medha Devi as reflected in the family particulars is none else but the applicant.

5. We heard Id. counsel for the parties and perused the materials on record.

6. We note that, while the applicant has claimed that she herself is the Medha Devi and alleged that the family declaration at Annexure R-1 to the reply is a fake and fictitious one and that a person with surname "Nao" could not have named his son as Ramdulara "Hazam" and asserted therefore that the respondents have illegally favoured Hazam. No supporting documents are available with her to establish her claim that she herself is Medha Devi or that Ram Dulara Hazam is not the son of the employee. Therefore, her claim, as put forth by way of this O.A., fails. However, we permit the applicant to get a declaration from a competent court of law about her marital status i.e. as a legally married wife of Ram Nath Rao(Thakur) and she may even get a declaration that Ramdulara Hazam is not the son of the deceased employee, which if produced, before the authorities, shall be duly considered by the appropriate respondent authority to decide her claim for family pension and other dues, and would be disposed of within three months from the date such declaration is produced. No costs.

Nandita Chatterjee)
Administrative Member
sb

(Bidisha Banerjee)
Judicial Member