

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. O.A. 350/01146/2014

Date of order: 11.1.2016

Present : **Hon'ble Ms. Bidisha Banerjee, Judicial Member**
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ARATI RANI GOSWAMI

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : **Mr. P. Sarkar, Counsel**

For the Respondents : **Mr. B.K. Roy, Counsel**

O R D E R (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

This Original Application has been filed seeking the following reliefs:-

"a) To issue direction upon the respondents to take all appropriate steps forthwith to grant family pension in favour of the applicant with effect from May, 2013 and to release payment thereof, since the applicant's husband Arun Kumar Goswami, Ex-Cabinman-I under SM/KGLE died on 26th April, 2013.

b) To issue any other order or orders as this Hon'ble Tribunal deems fit and proper."

2. The respondents have categorically stated in the reply that the ex-employee, Arun Kumar Goswami retired from service on 31.9.2007 as a Cabinman under Station Manager / Khagraghata Road. At the time of retirement the ex-employee submitted declaration of Family Members "for purpose of Pension Scheme – 1964", in the Form No. 6, wherein he mentioned about two wives namely Smt. Arati Rani Goswami – 1st wife and Smt. Arati Goswami – 2nd wife. Besides this, in the year of 1996 the ex-employee submitted a declaration of marriage along with the joint Photograph with his wife Jayanti Goswami.

3. The respondents have also submitted that one Arati Goswami was awarded maintenance of Rs. 500/- p.m. vide order of Misc. Case No. 206/93 at Rampurhat and since the deceased had left behind three wives namely Arati Rani Goswami, Arati Goswami or Jayanti Goswami they could not disburse pension in favour of any of the wives.,

4. The Ld. Counsel for the applicant submitted that the present applicant had executed an affidavit claiming that Arati Rani Goswami and Jayanti Goswami were one and same person. The dispute therefore is whether the applicant Arati Rani Goswami would be entitled to family pension.

5. We have heard Ld. Counsel for the parties. The dispute seemed to be whether the applicant would be entitled to family pension.

6. In view of the reply filed by the respondents clearly demonstrating that the deceased employee during his life time declared Smt. Arati Rani Goswami as his first wife, which was duly executed and witnessed by two Railway employees on 16.7.2007, immediately preceding his retirement, there would be no quarrel in regard to the status of Arati Rani Goswami as first wife of the deceased employee. The identity of applicant as Arati Rani Goswami is also not disputed. It is submitted at the bar that apart from the applicant no other lady has claimed family pension. Therefore, there does not appear to be any rival claimant to the family pension too.

7. As such, we direct the authorities to disburse family pension in favour of the applicant i.e. the recorded 1st wife of the deceased employee, from the date of communication of this order, as she would be entitled to in accordance with law, to be disbursed within two months from the date of communication of this order.

8. The O.A. is, accordingly, disposed of. No costs.

(Jaya Das Gupta)
MEMBER(A)

Bidisha Banerjee
(Bidisha Banerjee)
MEMBER(J)

SP