

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00152/16**

Date of Order: 27/05/2019

**C O R A M
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Pramod Kumar Ram, son of Late Ram Pravesh Ram and Late Fula Devi (mother), resident of Village/PO- Kharika, PS- Sonpur, District- Saran.

.... Applicant.

By Advocate: - Mr. U.K. Mishra

-Versus-

1. The Union of India through the General Manager, EC Railway, Hajipur (Vaishali).
2. The Divisional Railway Manager, EC Railway, Sonpur (Saran).
3. The Divisional Railway Manager(P), EC Railway, Sonpur.
4. Upendra Paswan, S/o not known. R/O Bhusa Mahua, PO & PS- Mahua, District- Vaishali.

.... Respondents.

By Advocate: - Mr. S. K. Ravi

**O R D E R
[ORAL]**

Dinesh Sharma, A.M:- The case of the applicant is for issuing of direction to the concerned respondents to make immediate payment of retiral/death benefit to the applicant whose mother Fula Devi, Khalasi Grade-I Carriage, Sonepur died in harness on 01.08.2011. The applicant has claimed that the respondents are not granting him the death benefits and has been informed that the entire amount has been paid to one Shri Upendra Paswan, "a fake husband" who is not actually the husband of the deceased employee.

2. During the pendency of the OA the applicant filed an MA to join Shri Upendra Paswan as private respondent and it was allowed.

3. A written statement has been filed by the official respondents in which they denied the claim of the applicant. The applicant's father Late

Ram Pravesh Ram was the original railway employee died in 09.09.1987. The applicant become major in the year 1998. Thus, if at all he had any claim as a dependent of late Ram Pravesh Ram, it is hopelessly time barred. Prior to his becoming major, Smt. Fula Devi, applicant's mother had already received the admissible amounts for her late husband Ram Pravesh Ram and also got appointed on compassionate grounds on 29.01.1988. Respondents have also alleged that she had been living with Upendra Paswan right from 22.03.1996 as husband and wife and got her marriage registered on 01.02.2006 for which a certificate of marriage has also been issued by the Special Marriage Officer, Patna. She died while in harness on 01.08.2011. Consequently, all the settlement dues have been given to her spouse Upendra Paswan. The official respondents have, therefore, requested for rejecting the claim made by the applicant.

4. The case was heard. Though the applicant alleges the marriage of his mother (after the death of her first husband) as a fake one, there is no evidence produced to substantiate it. In the light of the copy of the marriage certificate annexed as Anenxure R/1 and the copy of declaration filed by Smt. Fula Devi before her death at Annexure R/2, there is no reason to doubt that she married Upendra Paswan who became entitled, as the surviving spouse, to get the settlement dues after the death of Smt. Fula Devi. The case of applicant, thus has no merit and, is, therefore, dismissed.

[Dinesh Sharma]
Administrative Member

Srk.