

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

O.A. No. 155/2017

This the 04th day of December, 2019

Smt. Geetaben Ahuja
Widow of Shri Paraslal Ramchandra Ahuja
Aged 42 years, Occupation : NIL
Residing at : C/o. Gurukrupa
2/1 – Hansraj Nagar closed street,
Nr. Varma Building, Rajkot 360 001. Applicant

(By Advocate : Ms. K.L.Kalwani)

VERSUS

1. Union of India
Owing & Representing Western Railway
Through : The General Manager
Western Railway, Churchgate,
Mumbai 400 020.
2. Divisional Railway Manager
Western Railway, Kothi Compound,
Rajkot 360 001.
3. Shri Vinod
S/o. Paraslal Ahuja
Aged about 30 years
Occupation : Service
Residing at : Surya Park,
Railnagar, Rajkot Respondents.

**(By Advocate : Ms.R.R.Patel for respondent Nos.1 & 2,
None for respondent No.3)**

ORDER (ORAL)

Per : Hon'ble Shri M.C.Verma, Judicial Member

Instant OA has been preferred, with MA for codonation of delay of about 100 days. This is the second round of litigation. Applicant stating herself to be widow of Shri Paraslal Ramchandra Ahuja

(P.R.Ahuja), an ex-employee of the respondents' department, who expired in year 2012, applied for family pension but her case was rejected by the respondent on the ground that there is no mention of her in service record of deceased employee that she is wife of P.R.Ahuja. Being aggrieved applicant pleading that she was married to P.R.Ahuja in year 2009 preferred OA No.203/2014 and the Tribunal, in its order dated 26.09.2014 observing that respondent has not denied the relation of husband and wife between the applicant and that merely for the reason that her name as wife of P.R.Ahuja is not mentioned in service record of the employee cannot be a ground for rejection her case, directed the respondent to complete the whole exercise mentioned in Para 15 of the Order of the Tribunal, within three months. Para 15 of the Order of the Tribunal passed in aforesaid OA No. 203/2014 is reproduced herein below:-

“15 It is not the case of the respondents that there are rival claimants requesting them for family pension in respect of the deceased Shri P R Ahuja. As such there can be no difficulty in arriving at the conclusion as to whether the applicant Is the widow of the said Shri P R Ahuja or not. If the respondents have any doubt about the relationship of the applicant with that of the Shir P R Ahuja, there is no impediment whatever for them to get it confirmed from the authorities who have issues Annexures A7, A8 and A9 which prima facie confirms that she is the wife of the deceased employee Shri P R Ahuja. But the respondents have not taken any steps to verify the facts and rejected her claim for family pension, which is highly regretted. Therefore, it is necessary to direct the respondents to consider the claim of the applicant for family pension in her favour by taking into account all the materials available with them and the materials that are already produced and to be produced by the applicant and if necessary by holding an enquiry through their welfare officers and in the process it is confirmed that she is the widow of the deceased Shri P R Ahuja, they shall order for family pension and the consequential arrears shall be drawn and paid to her within two months from the date of such orders to be passed. The whole exercise shall be completed within three months from the date of receipt of this order.”

2. Applicant pleading that after decision in OA No. 203/2014 she supplied all requisite documents to the respondents but vide Order dated 02.11.2015 (Annexure A-1) respondents rejected her case stating that her claim for grant of family pension is not admissible. She has impugned Order dated 02.11.2015, operative portion of which reads as under :-

“In pursuance of Hon’ble CAT-ADI’s order dated 26.9.2014 in OA No.203/2014, after holding enquiry, you were advised to submit the decree of divorce from Civil Court/Family court and certificate of marriage duly registered according to Hindu Marriage Act vide this office letter No.even dated 30.4.2015, but you have failed to submit the same till date of this office. Accordingly, it is concluded that you are not fulfilling the required conditions as per law of land, therefore, your claim for grant of family pension is not admissible.”

3. In original OA only two respondents, namely Union of India and Divisional Railway Manager Rajkot were there. Respondent Nos.1 & 2 appeared and did file reply, on 01.12.2017, refuting the averments made in the OA. After filing of reply by Respondent Nos.1 &2, OA was amended and Shri Vinod, step son of applicant was added as Respondent No.3 but he did not appear nor filed reply.

4. Respondent Nos.1 & 2 have pleaded in their reply that in nomination form filled by Shri P.R. Ahuja name of applicant is not there, that vide letter dated 30.04.2015 respondent informed the applicant to submit registered marriage certificate and that marriage certificate attached with OA is also not registered one. That applicant could not prove

legality of her marriage. That discrepancies were also detected regarding name of the applicant and she was informed to supply decree of her divorce with her previous husband and that when after ample opportunities she could not prove that she is legally wedded wife, impugned order was passed. **Rejoinder** reiterating the stand taken in OA and enclosing copy of judgment dated 16.7.2019 passed in Family Suit No.233/2015 by Family Court, Rajkot was filed by applicant. Judgment dated 16.7.2019 is declaring that applicant's marriage with late Shri Balrambhai Jeramdas Kevalramani stand dissolved by divorce deed dated 25.03.2008 and that applicant is widow of late Shri Paraslal Ramchandra Ahuja.

5. Heard for final disposal. It is inquired from learned counsel for the applicant whether the decree of divorce from Civil Court/ family Court and Certificate of marriage, as is disclosed by the impugned order to be demanded was ever submitted by the applicant and learned counsel submits this is the second marriage of the applicant, previously she was married to Shri Balram Jeramdas Kevalramani and after customary divorce from her previous husband in year 2008, she married Shri P.R.Ahuja on 09.09.2009 and when Shri P.R.Ahuja died on 13.04.2012 she applied for family pension. That basing her case upon the divorce deed, she filed a suit

under Section 13(B) of Hindu Marriage Act and also made prayer in that suit to declare her widow of Late Shri P.R.Ahuja. She invites attention of the undersigned to judgment dated 16.7.2019 in Family Suit No.233/2015 passed by Family Court, Rajkot and urged that learned Family Court has declared that applicant is widow of the deceased employee, so she may be granted pension. She contended that in view of judgment passed by Family court, the respondents should not press for divorce decree from her previous husband and registered certificate of her marriage with late Shri P.R. Ahuja. She also added that applicant has sent copy of this judgment to respondent on 27.08.2019.

6. Learned counsel for respondents submits that the judgment passed by the Family Court, Rajkot was never supplied to the respondents. In fact, this judgment is of 16th July, 2019 and impugned order has been passed long ago before year 2019.

7. Considered the submissions made at Bar. In facts and circumstances of the case, especially in view of judgment dated 16.07.2019 passed by the Family court, Rajkot it would be appropriate to dispose of the OA with direction to the respondents to consider afresh, the case of the applicant for

family pension. Impugned order of OA, as is at Annexure A thus is quashed.

8. The copy of judgment dated 16.7.2019 passed by the Family court, Rajkot in Family Suit No.233/2015, being part of the rejoinder of OA ought to be with the respondent and it is hoped that no unnecessary document or document which is already in possession of respondent would be demanded, however any document needed genuinely for decision of family pension case and which can be made available by applicant may be requisitioned by the respondents from the applicant. Such requisition may be made within two weeks from the date of receipt of this order and applicant shall provide the requisitioned document/documents within two weeks of receipt of said requisition letter. Applicant is also at liberty to make representation to the respondents within two weeks from the date of receipt of copy of this order, if she wishes, giving details & attaching copy of judgment dated 16.7.2019 and other relevant documents.

9. Respondents shall consider the case of the applicant for family pension and pass the order within four weeks, to be counted from expiry of period to provide requisitioned document/documents by applicant, if any document in fact is requisitioned or otherwise within six weeks from the date of

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receipt of copy of this Order. Needless to say, decision so taken shall be communicated to the applicant.

10. With aforesaid observation and direction this OA stand disposed of. No order as to cost.

(M.C.Verma)
Member (J)

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