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CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

OA No.779/2019

Dated this Tuesday the 26th day of November, 2019

Coram: R. Vijaykumar, Member (A).

1. Smt. Kamal Rambhau Gaikwad
age 55 years,
Occ. Nil,
residing at Kusgaon (Khurd)
Post Kamshet, Tal.Maval,
Dist. Pune-410 405.

...Applicant.

(By Advocate Shri J. M. Tanpure).

Versus

1. Union of India
through The General Manager,
Central Railway,
CSTM, Mumbai-400 001.
2. Chief Personnel Officer
Head Quarters Office,
Personnel Branch,
CSTM, Mumbai-400 001.
3. Smt. Sarubai Rambhau Gaikwad
Age 66 years,
Occ. Pensioner,
residing at Ambewadi,
Kanhe, Tal-Maval,
Dist-Pine-410 406.

... Respondents.

O R D E R (O R A L)

1. When the case was called out, Shri J. M. Tanpure, learned counsel appeared for the

applicant. Heard him.

2. This application has been filed seeking seeking release of 50% pension which was allegedly paid to both the alleged wives of a former employee of the railway. The applicant who claims to be the second wife of the deceased employee has by a second application to the Hon'ble Civil Court obtained a succession certificate by not disclosing the existence of first wife and nor by making her a party as gleaned from a reading of the orders of the Hon'ble Civil Court in MA No.401/2012. This second certificate was obtained after the first was declaimed by respondents by letter at Annexure A-3 dated 22.08.2013.

3. The applicant has thereafter pressed her claims for restoration of 50% family pension claiming to be the second wife and which has been rejected by the respondents in impugned orders dated 20.10.2016 noting the fact that succession certificate does not indicate about the payment of family pension equally to both the widows. The respondents have, thereafter, rejected the request of the applicant stating that the applicant's

alleged marriage with the deceased employee has to be treated as null and void.

4. This application has been urged on the essential facts of the succession certificate and the rulings of the Hon'ble Courts as binding precedent but when the underlying fact comprising the succession certificate has not been based on true facts of the matter as mentioned in the impugned orders of the respondents, there is no basis for the applicant to challenge the impugned orders.

5. Accordingly, this OA is dismissed at the admission stage without any order as to costs.

(R. Vijaykumar)
Member (A)

V.

JD
27/1/19

