

116

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.210/00637/2019**

**Dated this Tuesday, the 15<sup>th</sup> day of October, 2019**

**CORAM : R.VIJAYKUMAR, MEMBER (ADMINISTRATIVE)**

Smt. Pratibha Daniel Alhat, Aged 54 Years, Occ. Housewife, Seva Nagar, Opp. Rahdakunj Building 4<sup>th</sup> Road, Pestom Sagar, Chembur, Mumbai 400 089. - **Applicant**

**(By Advocate Shri Satyajeetsingh Raghuwanshi  
proxy counsel for Shri P.N.Wagh)**

**VERSUS**

1. Financial Advisor Chief Accounts Officer, (F.A & C.A.O), Pen, Central Railway, C.S.T. Mumbai 400 001.
2. Pension Adalat Madhya Railway Office C.S.T. Mumbai (782426).
3. Ms. Rebeka @ Shindu, age 45 years, Occ. Service, Sweeper, C.S.T. Station, Railway Employees, Central Railway, C.S.T. Mumbai 400 001.
4. D.R.M. CSTM (Mumbai Division) Central Railway Office at Central Railway, CST Station, Mumbai 400 001.
5. Sr. D.P.O., CSTM Central Railway office at Central Railway, CST Station, Mumbai 400 001. - **Respondents**

**ORDER (ORAL)**

This application has been filed on 18.07.2019 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“8(a). This Hon’ble Court may please to issue direction to the Respondents to provide the retiral benefits and pension of the deceased husband namely, Daniel Eknath Alhat i.e. to the Applicant.

And/alternative

This Hon’ble Court may please to direct the Respondent No.4 to take re-hearing of the Applicant in order to consider claim of the Applicant to provide retiral benefits, pension of her deceased husband to her.

8(b). Pending the hearing and final disposal of the present application, this Hon'ble Court may please to prevent the Respondents from providing the retiral benefits, pension and employment to the Rebeka.

8.3. Any other and further reliefs as this Hon'ble Court may deem fit and proper."

2. Heard the proxy counsel for the applicant.

The applicant wishes to declare her as the wife of the deceased government employee and in addition to the pension and retiral benefits, she seeks to prevent the other alleged wife of the deceased employee from continuing in employment obtained by her in compassionate appointment.

3. The bare facts of the matter are that Shri Daniel Eknath Alhat who was employed with the Railways, deceased on 30.12.1996. Applicant claims to have been married to the deceased employee on 07.04.1979 but she has enclosed orders of the respondents dated 06.10.1998 granting 50% pension to the deceased employee's son Shri Vinod Daniel Alhat whom, the applicant's affirms, was born through her. She submits that another lady was given appointment by the respondents on compassionate grounds at that point in time on the basis that she was the wife of the deceased employee. After the employee's son

and allegedly her son, Shri Vinod Daniel Alhat, crossed the age of 25 years on 19.07.2005, payment of pension to the son was stopped and the amount was thereafter transferred and paid to the alleged wife of the deceased employee who was receiving the remaining part of the pension. The applicant does not appear to have challenged the initial grant of 50% pension to the other lady who has been accepted by the respondents as the surviving legal wife of the deceased employee claiming ignorance of law. She now seeks to raise all the challenges at the present stage and has approached this Tribunal to settle the merits of her legal entitlements.

4. The applicant had filed OA previously and this is the third stage of litigation. In response to the directions of this Tribunal in OA No.705/2016 dated 19.10.2016 (Annexure A-6), the applicant was heard by the respondents including through personal hearing and orders have been passed at the level of the DRM on 06.01.2017 (Annexure A-3) stating that none of the documents submitted by the applicant provide any substantive proof of her claims.

5. In these circumstances, the applicant will need to establish her entitlement before the appropriate forum and then to again approach the respondents, if she succeeds in getting a decision in her favour. However, this Tribunal is not the appropriate forum in issuing such declaration of her right in this regard. This OA is, therefore, not maintainable in its present stage.

6. In the circumstances, this OA is dismissed as not maintainable without any order as to costs.

(R.Vijaykumar)  
Member (Administrative)

kmg\*

JD  
22/10/19