

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD (TELANGANA)
NO. 5-10-193, 1ST FLOOR, HACA BHAVAN, HYDERABAD - 500004

Order Sheet

Item no.: 23
O.A./771/2017 (ANDHRA PRADESH)
[RETIRAL BENEFITS]
With
M.A./662/2018
DIRECTION
Court No.: 1

No of Adjournment: 37

Order Dated: 25/10/2022

EDE KALYANI SARADA
Vs
M/O RAILWAYS

For Applicant(s) Advocate : K RAM MURTHY

For Respondent(s) Advocate : V VENU MADHAVA SWAMY, Sr.PC for CG

Order of The Tribunal

Mr. K Ram Murthy, learned counsel for the applicant.

Mr. V Venu Madhava Swamy, learned counsel for the respondents.

MA/193/2022 filed by the applicant's counsel for early hearing in the matter is ***allowed*** for the reasons stated therein and the matter is taken up today.

Heard the counsel for the parties.

The applicant's counsel has submitted that the applicant is the second wife of the deceased employee, Late Mr. E. Lakshmi Narayana, who rendered service in the respondents' organization and died in harness on 26.09.2010. The deceased employee married the applicant on 18.11.1999, after the death of his first wife on 12.09.1997. The deceased employee has a daughter, Mrs. E. Deepthi, from his first marriage who already got married on 28.04.2002. It is submitted that the applicant

made several representations to the respondents for payment of family pension and retiral benefits to her but there is no response till date. Aggrieved over the same, she has approached this Tribunal. The applicant's counsel submitted that there are no rival claims and the applicant is the only eligible person to receive family pension and retiral benefits of the deceased employee.

The respondents' counsel, Mr. V Venu Madhava Swamy, has submitted that while examining the case of the applicant for retiral benefits, the respondents have received a legal notice dt. 15.02.2011 from Mrs. E Deepthi, daughter of the deceased employee, stating that she is the only eligible dependent legal heir to receive the settlement benefits and compassionate appointment. She submitted that the applicant never married her father. Further, the marriage between the applicant and her first husband is still subsisting. The respondents, on enquiry, found that the applicant was married to one Mr. D Srinivasa Rao and they have a son, Girish, whose maintainance is given to the applicant by the Hon'ble II Additional Munsif Magistrate, Bapatla. There is no legal separation or divorce dissolving the applicant's marriage with Mr. D Srinivasa Rao. After knowing the above said facts, the respondents asked the applicant to produce a document issued by a competent court of law dissolving her marriage with Mr. D Srinivasa Rao. In reply, the applicant submitted representation dt. 05.11.2011 stating that OP No.53/1997 was filed before the Hon'ble Senior Civil Judge, Chirala for legal divorce but it was dismissed. Further, Mr. D Srinivasarao expired on 18.06.2002. The respondents' counsel stated that without taking legal divorce from Mr. D Srinivasa Rao, the applicant's averment that she married to the deceased employee is invalid in law.

After hearing counsel for the parties and perusing the material on record, this Tribunal is of the opinion that the applicant without getting Succession Certificate, establishing that she is the legally wedded wife of the deceased employee, it is not possible to decide her as the legal heir for receiving retiral benefits/compassionate appointment. In view of this, the

applicant shall approach the competent court of law to get the Succession Certificate at the earliest.

List the case on 13.12.2022.

Sudhi Ranjan Mishra
Member (J)

/RAM/