

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP (CAT).No. 61 of 2015 (Z)

AGAINST THE ORDER IN OA 180/00339/2014 of CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 18-09-2014.

PETITIONER(S)/RESPONDENTS 1 TO 4:

1. THE UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT OF INDIA,
DEPARTMENT OF POSTS, NEW DELHI 110001.

2. THE SUPERINTENDENT OF POST OFFICES,
KANNUR DIVISION, KANNUR - 670 001.

3. THE POSTMASTER, GENERAL, NORTHERN REGION,
KERALA CIRCLE KOZHIKODE - 673 011.

4. DIRECTOR OF ACCOUNTS (POSTAL),
TRIVANDRUM- 695 001.

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR
GENERAL OF INDIA

RESPONDENT(S)/APPLICANT & 5TH RESPONDENT:

1. VANAJA.V @ EDACHERIAN VANAJA,
W/O.N.CHANDRAN (LATE),
RESIDING AT MASTERS PATTANUR AMSOM,
EDAYANNUR DESOM,
THALASSERY TALUK, KANNUR DISTRICT, PATTANUR P.O.,
EDAYANNUR - 670 595.

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2. E.CHANDRIKA,
RESIDING AT KUKKODE HOUSE, CHITTODI P.O., ALAKODE,
KANNUR 670 571.

BY ADV. SRI.MARTIN G.THOTTAN
ADV. SMT.R.JAGADA BAI

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (CAT) .No. 61 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF OA NO.18000339/2014 DATED 18/9/2014
FILED BY THE RESPONDENT BEFORE THE HON'BLE CAT, ERNAKULAM
BENCH.

EXT.P2: TRUE COPY OF THE REPLY STATEMENT DATED 1/8/2014
FILED BY THE PETITIONERS IN OA NO.180/00134/2014.

EXT.P3: TRUE COPY OF ORDER IN OA NO.180/00339/2014 DATED
18/9/2014 OF THE CENTRAL ADMINISTRATION TRIBUNAL,
ERNAKULAM BENCH.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

**THOTTATHIL B. RADHAKRISHNAN &
K. HARILAL, JJ.**

O.P. (CAT) No.61 of 2015-Z

Dated this the 1st day of April, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned Assistant Solicitor General of India and the learned counsel appearing for the 1st respondent, who was the applicant before the Tribunal.

2. Chandran, a Postal Assistant, died, while in service. The 1st respondent Vanaja moved the Tribunal claiming to be his wife. Chandrika, the 5th respondent before the Tribunal, was impleaded as a possible rival claimant. The Tribunal concluded that Vanaja be given the retiral benefits and family pension. This was made conditional on her executing an indemnity bond in the event of the civil court deciding the right of parties to the contrary. While it is submitted, on behalf of the Department, that the deceased

had a son through Chandrika, the fact of the matter remains that Chandrika did not contest the proceedings before the Tribunal. Under such circumstances, we are of the view that the Tribunal was justified in making the order that it issued, since that also protects the rights of the establishment, even if a dispute crops up before civil court at any later point of time. Under such circumstances, we do not think it necessary to invoke Article 227 of the Constitution of India as against the impugned order at the instance of the establishment. This original petition, therefore, fails.

In the result, this original petition is dismissed.

Sd/-

(THOTTATHIL B. RADHAKRISHNAN, JUDGE)

Sd/-

(K. HARILAL, JUDGE)

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//true copy//

P.S. to Judge

O.P. (CAT) No.61 of 2015

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