

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE V. PARTHIBAN

Writ Petition No.17884 of 2014

K.Dhanalakshmi .. Petitioner

Versus

1. The General Manager
Southern Railway
Rail Bhavan, Chennai -3.
 2. The Chief Personal Officer
Divisional Railway Managers Office
Personal Branch
Chennai Division
Chennai - 3.
 3. Govindammal
 4. The Registrar
Central Administrative Tribunal,
Madras.
- .. Respondents

Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to order passed in O.A.No.262 of 2012 dated 25.09.2012 on the file of 4th respondent for the settlement of retirement benefit of C.Krishnan, Retired Senior Gangman and to quash the same, consequently to direct the respondent to settle the entire retirement benefits of Krishnan after ignoring the fraudulent Settlement dated 01.05.2009 to Krishnan.

For Petitioner : Mr.V.Narayanan
For Respondents 1 & 2 : Mr.V.Haribabu
For Respondent-3 : Mr.K.V.Subramanian
Associates
R4 : Tribunal

ORDER

(Order of the Court was delivered by V.PARTHIBAN,J.)

The Writ Petition is filed against the order passed by the Central Administrative Tribunal, Madras Bench in O.A.No.262 of 2012 dated 25.09.2012 filed by the petitioner herein.

2. The petitioner herein approached the learned Tribunal seeking for the following reliefs:-

"to call for all the connected records, thereby directing the 2nd respondent to settle all the death cum retirement benefit lying in the account of late employee C.Krishnan, Gangman with token No.230 in favour of the applicant and pass such further or other orders."

3. According to the petitioner, she was the legally wedded wife of late C.Krishnan, who was working as Senior Gangman in Railways and retired from service on 30.04.2009. However, the third respondent herein is not a legally wedded wife, but by virtue of her nomination in the Service Book, she was shown to be the wife of Sri.C.Krishnan.

4. Sri.C.Krishnan retired from Railway Service. The entire retirement benefits was settled to the employee by the Management to the tune of more than Rs.4,00,000/-. Sri.C.Krishnan died on 30.09.2010.

5. In the mean while, the petitioner herein approached the Civil Court and obtained a decree on 08.10.2010 declaring herself to be the legally wedded wife of Sri.C.Krishnan. The copy of the Court decree was produced. The name of the petitioner was entered in the Service Register as the wife of deceased Sri.C.Krishnan. Accordingly, Family Pension was paid to the petitioner herein and it has been paid every month till date. The petitioner herein, at present, is in receipt of the Family Pension. However, the entire retirement benefits over Rs.4,00,000/- has been settled to the employee himself, when he was alive and therefore, the prayer for settlement of entire retirement benefits could not be granted in view of the factual position.

6. After taking note of the submissions, the learned Tribunal dismissed the application observing that the prayer could not be granted, as no retirement benefit was due from Railways to Sri.C.Krishnan, as it had been settled much before his death to the employee himself. However, when the Civil Court decree had been produced, after a lapse of limitation

period for appeal, the Railways started paying the Family Pension to the petitioner taking note of her legal status as the wife of the deceased employee.

7. After implementation of VI Pay Commission, some arrears of salary and allowances payable to the employee amounting to Rs.37,672/- (Rupees thirty seven thousand six hundred and seventy two only) was kept pending in view of the pending Civil Case between the parties. We were informed now as no case is pending as on date and no interim order is in force precluding the Railways from disbursing the arrears of pay and allowances due to the deceased employee. Since the status of the petitioner being the legally wedded wife of the deceased employee has become final by way of Court decree, We do not see any hurdle for the Railways to disburse the remaining balance amount payable to the deceased employee, viz., Rs.37,672/- (Rupees thirty seven thousand six hundred and seventy two only).

8. In such view of the matter, though the relief prayed for by the petitioner cannot be granted, this Court directs the Railways to disburse the arrears of amount payable to the deceased employee, which was the fall out of the recommendations of the VI Pay Commission to the petitioner herein and continue to pay the Family Pension to her.

9. With this observation, the present Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar (CO)

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Sub-Assistant Registrar

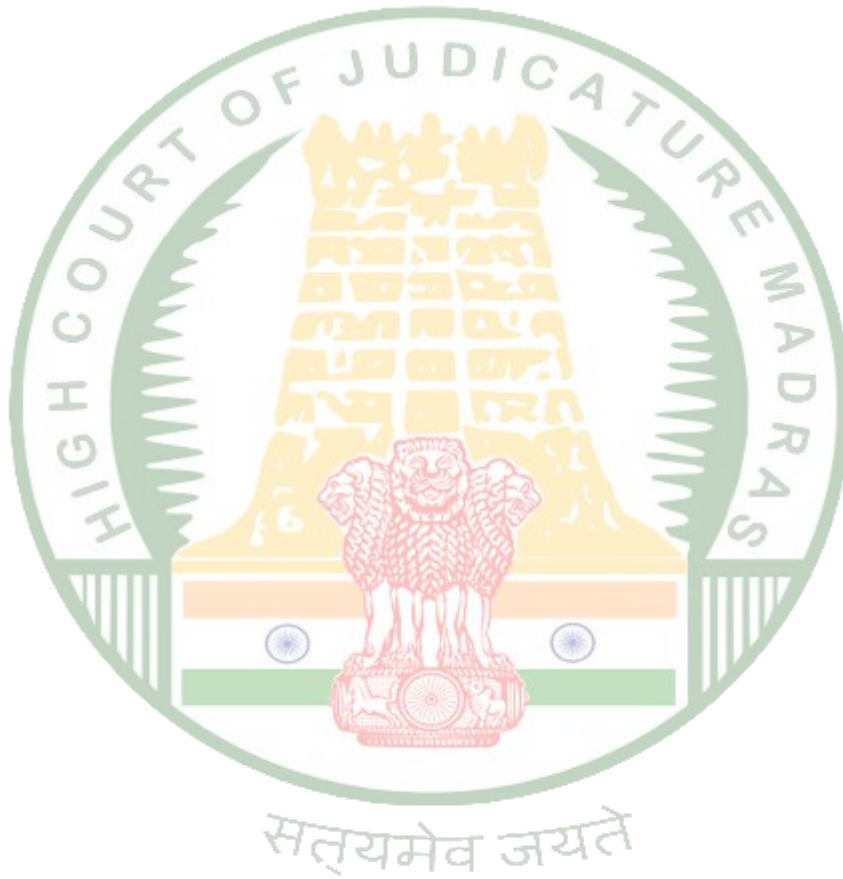
To

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