

23.04.2025
Court No.13
Daily List Item No.2 &
Supplementary List
Item No.1
AP

WPCT 206 of 2024
Union of India and Ors.
Vs.
Sarjan Bibi

With
WPCT 247 of 2024
Chhobi Bibi
Vs.
Union of India and Ors.

Mr. Pinaki Ranjan Chakraborty
... For the Petitioner in WPCT 206 of 2024.

Ms. Shikha P. Chowdhury
Mr. Arun Kr. Paul
... For the Respondent Sarjan Bibi.

1. The writ petitions have been filed challenging the order dated 6th September, 2023 passed by the Central Administrative Tribunal, Kolkata in two Original Applications. O.A. 350/01764/2021 filed by Sarjan Bibi, wife of Late Abdul Haque and O.A. 350/00196/2022 filed by Chhobi Bibi, second wife of Late Abdul Haque.

2. The facts of the case reveal that Late Abdul Haque was a Trackman under the North East Frontier Railway and retired from service on 31st March, 2017. In his declaration, recorded in the Service Book, he had nominated his first wife Sarjan Bibi for availing Provident Fund, DCRG & GIS and Chhobi Bibi, the second wife of Late Abdul Haque, was nominated for grant of Family Pension.

3. Learned counsel for the respondent/Sarjan Bibi submits that there is, in fact, no nomination made in favour of the second wife Chhobi Bibi.

4. In the event of any death of an employee, the Railway Services (Pension) Rules of 1993 at Clause 75 (7)(i) & (ii) prescribe that if a deceased employee is a Mohamadan and has more than one wife, family pension is to be divided after his death equally between the wives.

5. During the pendency of the proceedings before the Tribunal, Chhobi Bibi, the second wife of Late Abdul Haque, died. In such a situation, the Rules of 1973 prescribe that her unmarried and unemployed daughter would be entitled to a share of family pension. The Tribunal appears to have recorded in the impugned order that the only daughter of late Chhobi Bibi, Halima Khatun is married. In such a situation, the entire pension ought to normally go to Sarjan Bibi, first wife of Late Abdul Haque.

6. The railways shall make necessary enquires as regards the marital status of the daughter of late Chhobi Bibi, namely Halima Khatun, and take steps strictly in terms of the Railway Services (Pension) Rules of 1993.

7. If personal laws are recognized in this country and permit a Mohamadan to have more than one wife, the general rule of a Single Marriage applicable to other communities cannot be imposed on the deceased

employee, who was a Mohamadan. The Tribunal has committed error in this regard.

8. In that view of the matter, the impugned order dated 6th September, 2023 shall stand set aside.

9. The Railways after making due enquiries shall apply the Railway Services (Pension) Rules of 1993. If Halima Khatun is found to be married and dependent on her husband, let the entire family pension on account of service of Late Abdul Haque be paid to Sarjan Bibi.

10. The aforesaid are merely indicative directions. The railways shall strictly follow the Pension Rules of 1973 in this regard and take necessary steps accordingly.

11. With the aforesaid directions, WPCT 206 of 2024 is allowed and WPCT 247 of 2024 is disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)