



WEB COPY

AS No. 610 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR JUSTICE K. RAJASEKAR

AS No. 610 of 2024

and

CMP Nos.18909 of 2024 and 18741 of 2025

D.Mary

..Appellant/Plaintiff

Vs

1.Union Of India

Rep. by the General Manager,
Southern Railways,
Chennai - 600 003.

2.The Senior Divisional Personnel Officer,
Southern Railways,
Park Town, - Chennai 600 003.

3.The Senior Divisional Operating Manager,
Southern Railways, Park Town,
Chennai – 600 003.

4.Seetha

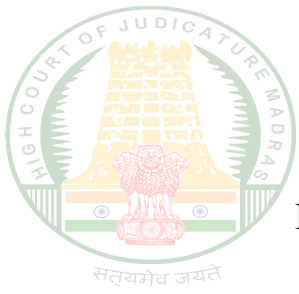
5.Rajeswari

..Respondent(s)

This Appeal Suit filed under Section 19 of the Family Court Act read with Section 96 of CPC, to set aside the judgment and decree passed by the Trial court dated 14.12.2023 in O.S.No.138/2014 on the file of III Additional Principal Family Court at Chennai.

For Appellant(s):

Mrs.T.Rama Devi



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For Respondent(s):

Mr.K.S.Jeyaganeshan, SPCG for R1 to R3
Mr.L.Muthusamy for R4
Mr.P.Kavitha for R5

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The plaintiff, Mrs.D.Marry in O.S.No.138 of 2014 on the file of the III Additional Principal Family Court at Chennai, aggrieved by the judgment and decree in O.S.No.138 of 2014 dated 14.12.2023, is the appellant herein.

2.The said suit in O.S.No.138 of 2014 had been filed to declare the appellant as the legally wedded wife of late S.Dasarathan who was working as Shunting Master with ticket is No.2435 in Southern Railway. In the suit, the 1st, 2nd and 3rd defendants were Union of India, Senior Divisional Personnel Officer and Senior Divisional Operating Manager. The 4th defendant Mrs.Seetha also claimed to be a legally wedded wife of late G.Dasarathan. The 5th defendant Mrs.Rajeswari had been impleaded that she claimed that she was the legally wedded wife of late S.Dasarathan.

3.For the sake of convenience, the parties would be referred as plaintiff and the defendants.

4.In view of the nature of arguments advanced before this Court and in view of the fact that the plaintiff D.Mary, the 4th defendant Mrs.Seetha and 5th



defendant Mrs.Rajeswari have filed separate affidavit before this Court.

5.We are not inclined to examine the facts necessitating institution of the suit seeking declaration as legally wedded wife. We would adjudicate on the manner of receiving the settlement benefits of G.Dasarathan who died on 24.12.2013. This would indicate DCRG, CGEGIS, Provident Fund, Family Pension and arrears of Family Pension.

6.It is stated that the 4th defendant is the first wife of G.Dasarathan. We would leave the issue to rest at that.

7.Before this Court, the 4th defendant, Mrs.Seetha had filed an affidavit stating that she is prepared to pay 20% of the retirement benefits of whatever amount she gets from the 1st, 2nd and 3rd defendants to each of the plaintiff and the 5th defendant. The plaintiff Mrs.Mary had filed an affidavit claiming 30% of the retirement benefits. The 5th defendant, Mrs.Rajeswari had filed an affidavit claiming 30% of the retirement benefits.

8.It is also stated by both the plaintiff and the 5th defendant that they would not claim any right to compassionate employment to their wards and would not raise any objection, if the son of the 4th defendant, Mrs.Seetha, seeks compassionate employment. They also do not have objection for disbursement of family pension, in future, to the 4th defendant.

9.The parties were also present on the earlier date. Today, the appellant /

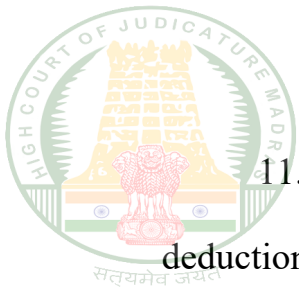


plaintiff alone is present. But the learned counsels for the 4th and 5th defendants stated that they are instructed to agree to the terms so far as payment of the retirement benefits are concerned.

10. The settlement benefits of late G. Dasarathan had been provided by the learned Standing Counsel for the 1st, 2nd and 3rd defendants. The same is as follows:

Settlement benefits of late Shri. G. DASARATHAN, Shunting Master/TNPM, PF No. 04006719, died on 24/12/2013

- Last pay: Rs. 11,840 + 4,200 = Rs. 16,040/-
 - DA: 90% = Rs. 14,436/-
 - DOA: 01.01.1978 (attains Ty. status) DOE: 04.01.1980
 - CPC period = (DOE-DOA) = 02Y 0M 03 Days 50% in CPC period = 01Y 0M 01Day
 - DOD: 24/12/2013 NQS: 1338 Days = 03Y 08M 03 Days
 - Net Qualifying Service = {(DOD-DOE) + 50% in CPC} - NQS =
{(24.12.2013-04.01.1980) + 01Y 0M 01D} - 03Y 08M 03 Days
= 31Y 03M 18Days = 31.5 years
1. DCRG: (Basic Pay + DA) * QS = (16040 + 14436) * 31.5
= 30,476 * 31.5 = Rs. 9,59,994/-
- Deductions: 1. Funeral Advance: Rs. 15,000/-
2. Festival Advance: Rs. 375/-
3. Quarters Rent, Elec. charges, Water Charges: To be deduct as per advice from bill dealer. (Qrts.No.127/A-TMV, Type-I, Since the Date of Vacation not known)
2. Cash Equivalent to Leave Salary (CELS) : NIL
3. CGEGIS: (Group C: 1985; Group D: 1982) = 23262 + 17588
= Rs. 40,850/- (Savings)
- Deductions: 7*30 = 210 /-
- Net Savings = 40,850 - 210 = Rs. 40,640/-
- Insurance Amount = Rs. 30,000/-
- Total CGEGIS = Net Savings + Insurance
= 40850 + 30000 = Rs. 70,640/-
4. Provident Fund: As available in employee's account.
5. Enhanced Family Pension from 25.12.2013 to 30.12.2015 at the rate of Rs. 8,020/- + DA, and From 01.01.2016 to 24.12.2023 at the rate of Rs. 21,150/- + DA and there after normal Family Pension Rs. 12,690/- + DA till life time or re-marriage whichever is earlier.
6. An approximate calculation of Family Pension arrears from Dec-2013 to Dec-2025 works out to approximately Rs. 33,09,883/-. These amounts are subject to accounts vetting and other recoveries due from the employee, if any. It may be noted that any Family Pension arrears shall be payable to the claimants for a period of 3 years only in terms of the Union of India vs Tarsem Singh judgment of the Supreme Court of India in Civil Appeal No. 5151- 5152 of 2008 (Arising out of SLP [C] Nos. 3820-3821 of 2008).

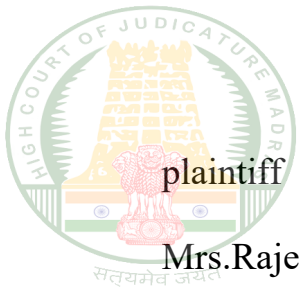


11. Of the above, the 4th defendant is entitled to get 50% of DCRG after deductions and in CGEGIS, Provident Fund and arrears of Family Pension from December 2013 to December 2025. The plaintiff and the 5th defendant are entitled to an equal share of 25% each in DCRG, CGEGIS, Provident Fund and in the arrears of the Family Pension from December 2013 to December 2025. On and from January 2026, the Family Pension along with the arrears will be paid only to the 4th defendant, Mrs. Seetha every month.

12. The son of the 4th defendant is entitled to apply seeking compassionate employment and if such an application is filed, the 1st, 2nd and 3rd defendants may examine the said application in accordance with the rules. We make it clear that, it is only today, the issue that he can apply is settled by this Court and the fact that the plaintiff and the 5th defendant would not raise objection are also recorded by this Court.

13. It is also stated that he had filed an application on 21.01.2014. The respondent may examine the relevant rules and take an appropriate decision. It is hoped that necessary decision, in that regard, would be taken within a period of three months from the date of receipt of a copy of this order.

14. With respect to the payment of DCRG, CGEGIS, Provident Fund and arrears of Family Pension from December – 2013 to December – 2025, the



plaintiff Mrs.Mary, the 4th defendant Mrs.Seetha and the 5th defendant Mrs.Rajeswari may forward their bank details to the Southern Railway and on receipt of the same, as stated above, 50% should be disbursed directly to the bank account of the 4th defendant Mrs.Seetha, and 25% to the plaintiff Mrs.Mary and 25% to the 5th defendant.

15.Accordingly, this Appeal Suit stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

(C.V.K.,J.) (K.R.S.,J.)
23-06-2026

smv

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

To,

- 1.The General Manager
Union Of India
Southern Railways,
Chennai - 600 003.
- 2.The Senior Divisional Personnel Officer,
Southern Railways,
Park Town, - Chennai 600 003.
- 3.The Senior Divisional Operating Manager,
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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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