



2026:AHC:41294-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 1451 of 2026**

Union of India and 3 others

.....Petitioner(s)

Versus

Smt. Omkali and another

.....Respondent(s)

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|---------------------------|---|-------------------|
| Counsel for Petitioner(s) | : | Manoj Kumar Singh |
| Counsel for Respondent(s) | : |                   |

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**Chief Justice's Court**

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE**  
**HON'BLE KSHITIJ SHAILENDRA, J.**

1. This petition is directed against order dated 13.05.2025 passed by the Central Administrative Tribunal, Allahabad Bench, Allahabad ('the Tribunal'), whereby the Tribunal has directed grant of family pension to the respondent from the date of her entitlement along with arrears and interest at the rate of Rs. 8% per annum within a period of three months from the date of receipt of a certified copy of the order.
2. The respondent had filed Original Application aggrieved of rejection of her claim for family pension by order dated 29.10.2013.
3. The husband of the respondent worked as Casual Labour and had married the respondent in the year 1980, though his first wife (respondent no. 2) was alive, purportedly with the consent of the first wife. During the lifetime of her husband, she along with her son was issued railway pass and in the nomination form, she was made nominee along with her son and daughter.
4. The husband of the respondent died on 17.07.1996 while in service. The respondent applied for compassionate appointment, which was rejected on account of the marriage having been solemnized with the respondent without divorce to the first wife.
5. The respondent filed proceedings before the Civil Court seeking grant of succession certificate wherein the first wife recorded her No Objection, based on which succession certificate was issued to her. The petitioners made payment of the death-cum-retirement gratuity based on the said

succession certificate, however, the amount of pension was not paid and her prayer in this regard was rejected. Aggrieved of the same, the Original Application was filed.

6. The Tribunal, by the order impugned, came to the conclusion that once the Civil Court had recorded a finding holding the respondent as successor of the deceased employee, the same was binding on the petitioners in terms of Section 41 of the Indian Evidence Act, 1872. Reliance in this regard was placed on the judgment of Hon'ble Supreme Court in the case of **Syed Askari Hadi Ali Augustine Imam & another Vs. State (Delhi Administration) & another : (2009) 5 SCC 528**, and ordered for payment of the family pension along with arrears and interest.

7. Counsel for the petitioners made vehement submissions that the Tribunal was not justified in ordering for payment to the second wife though the first wife continues to be alive as the second marriage was void.

8. Further submissions have been made that the first wife has not made any claim for all these years else the amount would have been paid to her and therefore, the order impugned passed by the Tribunal deserves to be set aside.

9. We have considered the submissions made and have perused the material available on record.

10. There appears to be no dispute between the two wives as to the entitlement, inasmuch as the first wife was included as party in the succession proceedings, wherein she recorded her No Objection and succession certificate was issued in favour of the respondent. Similarly, in the present proceedings also, the first wife was impleaded as party wherein also she has not raised any objection. Further, the provisions of Rule 75(7) of the Railway Services (Pension) Rules, 1993 specifically envisage payment of family pension to more widows than one and detailed provisions have been indicated taking into consideration all the eventualities including the fact that if one of the widows dies, then the surviving widow would receive the full pension.

11. In the present case, admittedly, the petitioners have not paid the amount of pension to either of the widows and once the other widow, i.e. respondent no. 2 has No Objection to the grant of family pension to the respondent, the petitioners possibly cannot have any objection on the purported ground of the marriage being void despite issuance of succession certificate in favour of the respondent and the admitted first wife recording her No Objection in this regard.

12. Besides the above, her nomination in service record is also available and during the period her husband was alive, she was being accorded the benefits as are available to a wife of a serving employee.

13. In the overall fact-situation of the case, we do not find any reason to interfere with the order passed by the Tribunal.

14. The petition has no substance, the same is therefore, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

**February 24, 2026**

AHA/AKShukla