

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00571/2018

Date of Order: 03.01.2020

C O R A M

HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Bhola Singh, Son of Late Kali Singh (Brother of Late Jawahar Singh), Resident of Quarter No. 151/1 – Loco Colony, Gaya, P.O.- Railway Station Gaya, P.S.- Delha, District- Gaya- 823001.

.... Applicant.

By Advocate: - Mr. U.K. Mishra

-Versus-

1. The Union of India through the General Manager , East Central Railway, Hajipur, Vaishali, PIN- 844101.
2. The Divisional Railway Manager, East Central Railway, Mugalsarai, PIN- 232101.
3. The DRM(P), East Central Railway, Mugalsarai- 232101.
4. The Senior Divisional Finance Manager, E.C. Railway, Mugalsarai, PIN- 232101.

.... Respondents.

By Advocate: - Mr. D.K. Verma

ORDER
[ORAL]

Dinesh Sharma, A.M:- In this OA, the applicant has prayed for quashing and setting aside the order dated 19/21.05.2018 issued by DRM (P), EC Railway, Mughalsarai (Annexure A/1) by which he has been informed about the rule regarding payability of DCRG to brother/step brother below 18 years of age. He has also requested for directing the concerned respondents to arrange immediate payment of entire retiral benefits including PF/GIS/Leave encashment/DCRG etc. to the sole legal



heir Bhola Singh, applicant with 12% compound interest. The applicant has claimed that he is the sole legal heir of Late Jawahar Singh who died in harness on 06.04.2015 while working as Lineman-II under EC Railway, Gaya. The applicant has submitted his claim before the Railway authorities along with sworn affidavits and enough evidence to support his claim, however with no result. The applicant has alleged that Late Jawahar Singh has no wife and he is legally entitled to receive payment of railway retiral benefits as well as legal ownership of all the moveable and immoveable properties pertaining to Late Jawahar Singh after his death.



2. A written statement has been filed by the respondents. It is stated that Late Jawahar Singh had submitted nomination details on 14.06.1989 where Smt. Savitri Devi has been nominated as his wife. A family declaration dated 03.07.1987 has also been submitted by Late Jawahar Singh where Smt. Savitri Devi has been indicated as his wife. Though the applicant Bhola Singh has claimed for payment of all settlement in his favour as per Rule No. (4) (viii) of Railway Service (pension) Rules, 1993 brothers below the age of 18 years including step brothers only come under the definition of family of railway servant and the applicant being more than 14 years of age is, therefore, not eligible for being considered eligible under that rule. The OA, therefore, deserves to be dismissed.

3. A rejoinder has been filed by the applicant in which he has questioned the veracity of the nomination alleged to have been filed by Late Jawahar Singh (Annexure R/1 and R/2). It is alleged that the signature of Late Jawahar Singh appear to be forged and fabricated. It is also stated that the age of wife has been shown as 22 years in both the declarations filed two years apart and this should also raise doubt about these nomination papers being false and fabricated. The applicant has accepted that he being beyond 25 years of age is not entitled for family pension but is legally entitled to receive all other retiral benefits being the sole legal heir of Late Jawahar Singh.



4. I have gone through the pleadings and heard the arguments of learned counsels for the parties. Though the respondents claimed to be the sole legal heir of the deceased employee Jawahar Singh the respondents have not accepted his claim quoting rule 70(4) (viii) of the Pension Manual. According to this rule, DCRG is payable only to those members of the family of a railway servant which are nominated by the employee and who come within the definition of the family described in para-70(4) of said Manual. It is not undisputed that the applicant was not below 18 years of age and there is also no nomination in his favour by the deceased employee. In such situation, denial by the respondent authorities of payment of DCRG to the applicant cannot be found fault with. If the applicant has any claim as a legal heir to the properties of late Jawahar Singh he should approach the appropriate Civil Court to have it

established in a proper court of law. The OA is, therefore, dismissed. No costs.

[Dinesh Sharma]
Administrative Member

Srk.

