

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. 2387/93

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This the 2nd day of December, 1996.

HON'BLE SHRI S.R. ADIGE, MEMBER(A).
HON'BLE DR. A. VEDAVALLI, MEMBER(J).

Ms.Kanta Rani
D/o late Sh. Shyam Lal,
R/o Rly.Qtr.No.3, Railway Gang Colony,
Tilak Bridge,
New Delhi.

Ms.Janaki Kumari
D/o late Sh. Shyam Lal,
R/o C/o Sh. Hare Lal,
Qr. No.3, Railway Gang Colony,
Tilak Bridge,
New Delhi.

Ms.Lilawati
D/o late Sh. Shyam Lal
R/o Qr.No.Railway Gang Colony,
Tilak Bridge, New Delhi.

..... Applicants.

(By Advocate Sh. P.L. Mimroth)

Versus

1. Union of India, through
General Manager, Northern Rly.
Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

3. Sr.Divisional Personnel Officer,
D.R.M's Office,
State Entry Road,
New Delhi.

..... Respondents.

4. Smt. Anuravati, K. Patel
R/o J-11, Tilak Bridge Jhuggi Colony,
College Lane, New Delhi.-1

(By Advocate: Shri K.K.Patel).

ORDER (ORAL)

By Hon'ble Shri S.R. Adige, Member(A).

1. The applicants are praying for release
of retirement benefits consequent to their death
of their father, Shri Shyam Lal.

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2. From the materials on the record it appears that Shri Shyam Lal was working as Khalassi under the Chief Signal Inspector, Northern Railway, Tughlakabad. He married Smt. Hukraji and had three daughters from her namely the three applicants before us. After the death of his wife as per information given by him, he married Smt. Amrawati from whom he had two children namely Ram Raj and Lalita.

3. From the respondents reply it appears that after the death of Shri Shyam Lal the case for releasing the pension and other retiral benefits was processed. On the basis of the certificate furnished by the CSI, Northern Railway, Tughlakabad the payment of Rs.26,354/- towards provident fund was released in favour of Smt. Amrawati and the said amount was received by her. The payment of insurance for Rs.16,840/- was prepared in favour of Smt. Amrawati and children of his first wife in equal share. Smt. Amrawati received her share but the share of children are still lying with the department because the children are minor and no guardian has come forward to receive the payment. Thereafter, the case for releasing provisional pension was put up before the competent authority. In the mean time, the children of first wife met the competent authority and alleged that Smt. Amrawati was not the lawfully wedded wife of late Shri Shyam Lal and they refused to accept her as mother, and hence further payments had been withheld by the department.

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3. Shri Mimroth has argued that the applicants are not only entitled to the retiral dues yet to be disbursed, but also the sums already released to Smt. Amrawati. On the other hand Shri Patel has rightly pointed out that the applicants are required to produce a succession certificate from the competent court in support of their claims as it is for the competent court and not the CAT to determine whether Smt. Amrawati is the lawfully wedded up of the deceased or not.

4. In the light of the above no interference in this O.A. is called for at this stage and it is accordingly dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

/GK/

S.R. Adige

(S.R. Adige)
Member (A)