

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
BENCH ALLAHABAD**

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(THIS THE 19<sup>th</sup> DAY OF March, 2010)

***Hon'ble Mr. A.K. Gaur, Member (J)***

**Original Application No.540 of 1997  
(U/S 19, Administrative Tribunal Act, 1985)**

Nanhey Lal, a/a 32 years, S/o Late Sri Murari Lal, alias Murli, R/o Barapur, P.S. Kachwan, District Mirzapur.

..... *Applicant*

*Present for Applicant:*

*Shri Rakesh Verma  
Shri K.K. Mishra*

*Versus*

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager (P), Diesel Locomotive Workshop, Varanasi.
3. The Chief Personnel Officer, Diesel Locomotive Workshop, Varanasi.
4. The Senior Personnel Officer, Diesel Locomotive Workshop, Varanasi.
5. The Chief Mechanical Engineer, Diesel Locomotive Workshop, Varanasi.
6. Shri Vijay Kumar R/o House No.12/234, Mohalla Jakkha, Police Station-Bhelupur, District-Varanasi.
7. Shri Ssita Ram, Peon C/o The Senior Personnel Officer, Diesel Locomotive, Works, Varanasi.

..... *Respondents*

*Present for Respondents : Sri Amit Sthalekar*

**ORDER**

**(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)**

Sri Rakesh Verma, learned counsel for the Applicant stated that this Original Application was allowed by this Tribunal vide order

dated 07.05.2002 and the Respondents were directed to release the retiral benefit of deceased father of the Applicant with a period of one month.

2. Learned counsel for the Applicant also invited my attention to the fact that on the strength of succession certificate issued by the Civil Judge (Senior Division), Varanasi on 09.10.1998, a direction was issued that the Applicant is entitled to receive the terminal benefits amounting to Rs.2,23,241/-.

3. Some interested and aggrieved person filed Review Application No. 82 of 2002 in the said O.A. in which notices were issued on 25.08.2004 and by order dated 11.03.2005, the review petition of the Review-Applicant was allowed. After allowing the Review Petition, the earlier order passed by this Tribunal was recalled and the matter was placed for hearing. In the facts and circumstances of the case, succession certificate issued in favour of the Applicant was confirmed and the objection of the interested party being Paper No.4C was rejected.

4. Learned counsel for the Applicant vehemently argued that earlier Review Application was allowed merely on the strength that stay order was granted in succession matter by the Civil Judge (Senior Division) Varanasi. As the Civil Judge (Senior Division) Varanasi, after going through the parties case finally came to the

conclusion that there was hardly any justification for canceling succession certificate date 19.04.1997 issued in favour of the Applicant.

5. In these circumstances, it would be open to the Applicant to prefer a detailed representation to the Competent Authority, who shall pass appropriate reasoned and speaking order in view of the fact that succession certificate has already been confirmed in favour of the Applicant and there is no other impediment in his way. Accordingly, we direct the Applicant to file a detailed representation within a period of four weeks from the date of receipt of certified copy of this order, If such representation is filed within stipulated period of time, the Competent Authority shall consider and decide the same by a reasoned and speaking order, and pay the amount to the applicant in accordance with the Rule, within a period of three months on receipt of such representation.

6. With the above directions, OA is disposed of. No costs.

*Jugan*  
Member-J

Sushil