

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1090 of 1997

THURSDAY, THIS THE 31st DAY OF OCTOBER, 2002  
Hon'ble Mrs. Meera Chhibber, J.M.

1. Smt. Bimal Gupta, w/o Shri Vishwanath Gupta, r/o, 328, Jai Nagar, Kamla Nehru Nagar, Jabalpur-482 002
2. Smt. Nirmal Gupta, w/o Shri R.P. Gupta, C/o Sandeep Sweet Mart, Peepal Naka, Sadar Bazar, Jabalpur.

.....Applicants

Counsel for the Applicants Shri R.C. Srivastava

V E R S U S

1. Union of India, through Comptroller and Auditor General of India, New Delhi.
2. Principal Accountant General (A&E), U.P., Allahabad.
3. Senior Audit Officer, Indian Audit & Accounts Department, Accountant General (Audit)-I, U.P., Allahabad.
4. Smt. Bitto, C/o Maroram Gupta, Behind Dharamshala, Ram Nagar, Barabanki.
5. Smt. Shashi Devi, c/o Shri Ram Chandra Gupta, Jakhal Bazar, Jakhal, District Behraich.

....Respondents

Counsel for the respondents Shri Satish Chaturvedi

O R D E R

By this O.A. the applicant has sought the following reliefs:-

- (i) issue an order or direction quashing the orders dated 14.05.97 and 27.06.97 (Annexures A-1 & A-2 to Compilation No.1);
- (ii) issue an order or direction to the respondent no.1 to 4 to pay the balance of G.P.F. amount

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along-with interest at the rate of 18% to the applicants;

- (iii) issue an order or direction directing the respondents no.1 to 4 to pay to the applicants the pay and allowances for the period 01.06.96 to 17.06.96, arrears of interim relief difference with effect from 01.04.96 to 17.06.96, the amount under deposit linked insurance scheme, the ad-hoc bonus for 95-96, and 239 days leave encashment with interest at the rate of 18%;
- (iv) any other and further relief to the applicants which this Hon'ble Tribunal may deem fit and proper.

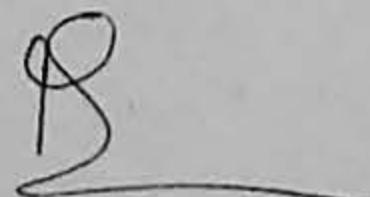
2. It is stated by the applicants that they were nominated by the deceased employee for payment after his death, to his sisters as he was not married. Therefore, after the death of deceased employee on 17.06.96, they had applied for the disbursement of the settlement dues. Since the authorities insisted ~~xxx~~ them to produce the succession certificate, they had filed the present O.A. and it is only after the filing of the O.A. that the respondents made all the payments to the applicants on different dates in the year 1998. All the details are given on page-10(annexure CA-2) with the counter affidavit, but leave encashment was not paid to the applicants. Therefore, today, when the matter came up, the applicants' counsel submitted that even though they had been given all the payments except leave encashment, he was insisting for payment of interest and grant of leave encashment.

3. The respondents, on the ~~one~~<sup>other</sup> hand, have stated that on the death of deceased employee, since he had nominated Smt. Nirmal Gupta and Smt. Bimla Gupta in the nomination papers, they were given the insurance



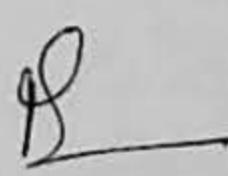
and money but thereafter they were paid the insurance money and payment of balance in the G.P.F account was also authorised to two sisters namely Smt. Nirmal Gupta and Bimal Gupta during the <sup>8 month of B</sup> October 1996 itself. However, later on two more sisters namely Smt. Bitto Devi and Smt. Shashi Devi also submitted the claim for share in the G.P.F. balance of deceased employee late Shri Gajendra. Accordingly the payment was stopped by the Pay and Accounts Officer, Office of A.G. (Audit)-I, U.P., Allahabad on the advice of Audit Officer/Cash, Office of A.G. (Audit)-I, U.P., Allahabad. Thereafter, number of letters were written to the applicants to produce the succession certificates and ultimately when they produced the succession certificate, the payment, which were due to them, were released in favour of the applicants. For example, G.P.F. was paid on 06.04.98, revised D.C.R.G. was paid on 15.06.98, difference of pay revision was paid on 15.06.98, arrear of interim relief were paid on 15.06.98 along-with duty pay from 01.06.96 to 17.06.96 and ad-hoc bonus and deposit link insurance scheme was made on 08.12.98 to both the sisters in equal share. The details are given in Annexure-CA-2. As far as the leave encashment is concerned, the respondents <sup>have</sup> ~~are~~ relied on rule 39-C of CCS (leave) Rules, 1972 wherein it is specifically mentioned ~~as to~~ <sup>that</sup> the ~~in the~~ event of death of Government servant, how and to whom the leave encashment is to be paid and under this rule though it talks about the surviving unmarried sisters, there is no scope for making payment to the married sisters. Since both the applicants are married, that the respondents have claimed/they are not entitled to payment of leave encashment. They have, therefore, submitted that the applicants are neither entitled to interest nor leave encashment.

4. I have heard both the counsels and perused the



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pleadings. As far as the leave encashment is concerned, I have seen rule 39-C which is annexed as Annexure CA-I by the respondents and it is clear that there is no provision for payment of leave encashment to the married sisters. Therefore, the applicants would not be entitled to leave encashment. As far as other payments are concerned, they have been paid to the applicants, after the applicants produced the succession certificate. Since there was a dispute and two more persons had claimed the payment of the deceased employee, naturally the authorities could not make payment without ~~being~~ ensuring as to whom the payments are to be made. So they rightly insisted for production of succession certificate. After the succession certificate was produced, the cheques were prepared in the month of March 1998 itself and final payment made to the applicants in April 1998. Therefore, they have explained the delay which is ~~found~~ to be justified. Accordingly, the applicants would not be entitled to any interest for payment of these amounts. Since all the dues have already been cleared by the respondents which were due to the applicant, the present O.A. has become infructuous. The same is accordingly dismissed as infructuous.

  
MEMBER-J

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