

OPEN COURT

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 12th Day Of November, 2008.

ORIGINAL APPLICATION NO. 1597 OF 2004.

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Smt. Urmila Verma, Widow of late Sri Chandra Prakash Verma, C/o Shri V.M. Saxena, Advocate, Kuncha Panda, Badaun.

.....Applicant

By Advocates: Shri A.K. Srivastava/Shri Siddhartha Verma.

Versus

1. Divisional Railway Manager (Personnel), North Eastern Railway, Izatnagar, Bareilly.
2. General Manager, North Eastern Railway, Gorakhpur.
3. Union of India through Secretary, Ministry of Railways, New Delhi.

.....Respondents

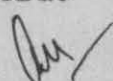
By Advocate: Shri K.P. Singh

ORDER

Heard Shri A.K. Srivastava, Advocate appearing on behalf of the applicant and Shri K.P. Singh, Advocate, appearing on behalf of the respondents.

2. By means of present O.A./Urmila Verma sought to challenge order dated 25.2.2004/Annexure 1 to compilation 1, by means of which the said Authority held, Heirs of Chandra Prakash Verma (a deceased employee of the Respondent-Department including the applicant should approach-Competent Court and obtain succession certificate before staking claim for family pension, gratuity etc.

3. Heard learned counsel for the parties and perused the record.



4. Learned counsel for the applicant at the outset, made a statement that succession certificate has been issued by Competent Court in her favour.

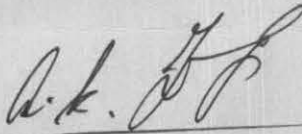
5. Without going into the authenticity/validity and/or extent/scope of said succession certificate or the authenticity of the claim of the Applicant in the O.A., this O.A. deserves to be disposed of with a direction to the Applicant to approach the respondents with her claim.

6. Respondent No. 2, I have no doubt, shall consider the same the said Authority shall consider the same and decide such 'claim' of the applicant by passing reasoned and speaking order in accordance with law.

7. In view of the above, the applicant may, if so advised, to file a certified copy of this order alongwith comprehensive representation enclosing copy of succession certificate, if any, before Respondent No. 2/Divisional Railway Manager (Personnel), North Eastern Railway, Bareilly within 6 weeks from today and the said Respondents Authority, if representation is filed as stipulated above, shall decide the same within 03 months from the date of receipt of copy of the order as stipulated above in accordance with law by passing reasoned/speaking order exercising its unfettered discretion. Decision taken shall be communicated to the applicants forthwith.

8. O.A stands disposed of finally without entering into the merit of this case at this stage.

9. No order as to costs.


(Justice A.K. Yog)
Member-J