

(8)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 30TH day of OCTOBER 2006.

Original Application No. 1577 of 2005.

Hon'ble Mr. P.K. Chatterji, Member-A

1. Smt. Alka Nigam, W/o Sri Arvind Nigam,
R/o House No. 653/553, Old Katra,
Pila Shivala Ki Gali,
ALLAHABAD.
2. Smt. Ritu Nigam, W/o Sri Suresh Nigam,
R/o House No. 104/201-B, Shishamau, Rambagh,
KANPUR.
3. Smt. Sangeeta Nigam, W/o Deepak Nigam,
R/o House No. 3114/1, Naubasta, Hamirpur Road,
KANPUR.

..... Applicant

By Adv: Sri R. Verma.

V E R S U S

1. Union of India through General Manager,
North Central Railway,
Nawab Yusuf Road, Civil Lines,
ALLAHABAD.
2. Divisional Railway Manager
North Central Railway,
Nawab Yusuf Road, Civil Lines,
ALLAHABAD.
3. Sr. Divisional Personnel Officer,
O/o Divisional Railway Manager,
North Central Railway,
Nawab Yusuf Road, Civil Lines,
ALLAHABAD.
4. Raajesh Nigam, S/o Late Sri Om Prakesh Nigam.
5. Paresh Nigam, S/o Late Om Prakesh Nigam

Both Residents of 293/28-B/28, Allahpur,
Allahabad.

..... Respondents

By Adv: A.K. Sinha

A.K. Sinha

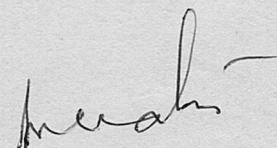
(6)

O R D E R

Heard Sri Rakesh Verma learned counsel for the applicant and Sri A.K. Sinha learned counsel for the respondents.

2. The case in this OA is payment of DCRG to the surviving members of the family of the deceased late (Smt.) Radha Rani Nigam. She died on 08.12.2004 while working as Head Clerk in the office of Senior Divisional Electrical Engineer (Op). The three applicants in this case are the married daughters of late (Smt.) Radha Rani Nigam and they have filed this OA claiming share of DCRG value which accrued against the gratuity of late (Smt.) Radha Rani Nigam while she was in service. In order dated 10.08.2006, the Tribunal had directed, at the request of applicant's counsel, that copy of the DCRG nomination made by late (Smt.) Radha Rani Nigam while in service should be produced before the Tribunal for its perusal.

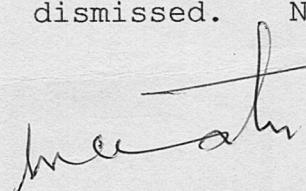
3. Sri A.K. Singh learned counsel for the respondents has produced it before the Tribunal today. The nomination ^{has} contained in the service book of the official and accordingly respondents' counsel produced the service book which has been perused by ~~him~~ ^{me} and it has been noticed that no nomination is made by late (Smt.) Radha Rani Nigam in her service book.



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4. Learned counsel for the respondents has brought to the notice of the Tribunal the relevant provisions and regulation in relation to payment of DCRG. Rule 70 and 71 of the Manual of Pension Rules are relevant in this context. Respondents' counsel has stated that if no nomination is available in the service book, so as per provision of Rule 71 (B) these are to be paid in equal share amongst the surviving member of the family as indicated in para 70 (5) (I to IV). Accordingly, the respondents acting upon the provisions in the relevant Rules paid the DCRG amount to the sons of late (Smt.) Radha Rani Nigam. Incidentally there are no other ^{in (I to IV) of the rule} surviving member in the family. The applicants in this case are three daughters of late (Smt.) Radha Rani Nigam who are all married. Therefore, they have no legitimate claim in the DCRG amount left behind by their mother as per rules produced before the Tribunal by the respondents' counsel.

5. Therefore, as per Rules no payment of DCRG left behind by late (Smt.) Radha Rani Nigam can be paid to her daughters. Hence, there is no merit in this case and, therefore, the same is dismissed. No cost.



Member (A)

/pc/