

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

OA No. 27 of 2017

Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)

1. Yedida Jagadeswari, aged about 21 years, Wife of Yeditha Lazar and daughter of Late Kanigiri Veerabhadra Rao resident of Mugupeta Mandal, Kakinada (M), Dist – East Godabari, Andhrapradesh, at present C/o. – Somanath Sahoo, At – Chintamani Nagar, P.O. – Jatni, Dist – Khurda, Odisha.
2. Kanigiri Durga Jagadeswar, aged about 17 years, Son of Late Kanigiri Veerabhadra Rao. resident of Mugupeta Mandal, Kakinada (M), Dist – East Godabari, Andhrapradesh, at present C/o. – Somanath Sahoo, At – Chintamani Nagar, P.O. – Jatni, Dist – Khurda, Odisha.

.....Applicant.

VERSUS

1. Union of India represented through General Manager, East Coast Railway, EcoR Sadan, Chandrasekharapur, Bhubaneswar, Dist - Khurda.
2. Senior Divisional Personnel Officer, E.Co. Rly., Khurda Road Division, At/P/O Jatni, Dist. Khurda.

3. Sr. Divisional Financial Manager, East Coast Railway, Khurda Road Division, At/PO – Jatni, Dist – Khurda.

4. Senior Divisional Electrical Engineer (OP), East Coast Railway, Khurda Road Division, At/P.O. – Jatni, Dist – Khurda.

.....Respondents.

For the applicant : Mr. N. R. Routray, Advocate.

For the respondents: Mr. M. K. Das, advocate.

Heard & reserved on : 23.03.2021

Order on: 08.04.2021

O R D E R

Per Mr. Swarup Kumar Mishra, Member (J)

The applicant by filing this OA, has prayed for the following reliefs under section 19 of the Administrative Tribunals Act, 1985:-

- (i) To direct the respondents to release the death-cum-Retirement financial benefit i.e. DCRG, Leave Salary, Provident Fund & CGEGIS of Late Kanigiri Veerabhadra Rao;
- (ii) And to direct the Respondents to grant family pension in favour of the applicant No. 2 and pay the arrears;
- (iii) And to direct the respondents to pay 12% interest on the entire amounts for the delayed period of payment.
- (iv) And pass any other order as this Hon'ble Tribunal deems fit and proper in the interest of justice.

3. The brief of the case as inter alia averred by the applicants in the OA is that they are the legal heirs of deceased railway employee Late Kanigiri Veerabhadra Rao who prematurely died on 12.06.2012 leaving behind the applicants who are daughter and son of deceased employee. According to them they became unsuccessful in their repeated efforts before the authorities concerned for release of retirement benefits DCRG, Leave Salary, PF & CGEGIS. Hence the OA.
4. The respondents in their counter inter alia averred that after death of Late Kanigiri Veerabhadra Rao on 12.06.2012, no claimant came forward hence the settlement payment could not be processed. The Railway Authority had sent one welfare officer to inquire about the legal heirs of the deceased employee at his native place on 03.02.2015 but the neighbors of the deceased employee were unable to inform whereabouts of the legal heirs. Thereafter one claimant namely A Jagannath Rao claiming to be adopted son of the deceased employee made an application dated 09.07.2013 (Annexure R/1) for release of statutory dues of deceased employee. The matter was sent to Sub-Registrar to verify and report on the adoption deed, who reported vide letter dated 23.06.2014 (Annexure R/8) that the adoption deed is found to be correct. The Tahsildar, Talcher also reported vide letter dated 05.07.2014 (Annexure R/11) that the legal heir certificate submitted by Shri A. Jagannath Rao is found to be genuine. Before settling dues, the present applicant submitted application dated 12.08.2015 stating therein that they being son and daughter of the deceased, the statutory dues of the deceased employee may be

released in their favour. The genuineness of their claim were verified through Welfare Inspector and Tahasildar of Kakinda Urban who also certified the claim made by the applicants are genuine. In view of the facts stated above the authorities concerned vide letter dated 29.05.2017 (Annexure R/15), 10.11.2017 (Annexure R/16) and 18.10.2018 (Annexure R/17) have sought the succession certificate for release of the dues of the deceased employee. As no such certificate has been produced by anyone the dues of the deceased have not been released.

5. Learned counsel for the parties reiterated their stand taken in their respective pleadings. Having heard them at length and perusing the record I do not find any illegality by the respondents in requiring the succession certificate, in view of the claims made by Shri A. Jagannath Rao stating to be the adopted son of the deceased and by the applicants stating to be natural son and daughter of the deceased. The action taken by the respondents are within the scope and ambit of rules and law. Therefore without interfering in the decision taken by authority concerned this OA is disposed of with direction that on production of the succession certificate the respondent would do well to release the due in accordance with rules and law without any delay as the employee concerned died in the year 2012.
6. The OA is accordingly disposed of with above observation but in the circumstances without any order as to cost.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)