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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1064 of 1987

Smt- Ram Jassei

... Applicant

Versus

Union of India & others

... Respondents

HON'BLE MR. MAHARAJ DIN-MEMBER (J)
HON'BLE MISS USHA SEN-MEMBER (A)

(By Hon'ble Mr. Maharaj Din- JM)

This application has been moved by the wife of the employee seeking the relief of direction to the respondents to make payment of provident fund, gratuity and other amount of which her husband was entitled.

2- The applicant's husband Mahabir Prasad was employed in Northern Railway Varanasi with effect from 21-7-1945 as a permanent gangman in Varanasi till 17-4-63. The husband of the applicant disappeared after 17-4-1963 and was not heard of, the applicant submitted the representation to the respondent to make payment of the amount for which her husband was entitled to get but no payment has been made so far. Hence she approached this tribunal seeking the relief as above.

3- The respondents filed counter reply in which it is not disputed that the husband of the applicant had disappeared.

4- We have heard the learned counsel for the parties and perused the record.

5- From the rival contention of the parties, it is clear that the husband of the applicant was employed as a Gangman and he was unheard of after 17-4-1963. So his civil death shall be presumed.

The respondent do not dispute the benefit which the applicant being the wife of the employee is entitled and in para-6 of the Counter Affidavit it has been stated that the representation of the applicant dated 18/6/1986 was received in the office/^{of} the General Manager, Northern Railway, New Delhi on which the case of the applicant for payment of settlement dues was initiated and the action in this regard was being taken by the respondents to finalise the payment. We are surprised to know that the representation was received in the year 1986 and the action which was being taken as has been stated in the Counter Affidavit, has not been finalised so far, as such undue delay is being caused.

6- Considering these facts and circumstances of the case, we allow the application of the applicant with the direction to the respondents to finalise the settlement dues after completion of all formalities required for payment of the dues by the applicant as early as possible. The payment of the settlement dues be made within 3 months from the date of completion of all formalities as required and there will be no order as to costs.

Umesh
MEMBER (A)

DATED: Allahabad 19th May, 1994.
(ISPS)

W
MEMBER (J)
