

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 25th day of May, 2001.

Coram: Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO. 294 OF 1999

Chandrawati,
w/o late Shri Bal Sarup,
c/o Shri Jai Pal Singh,
Dayal Colony, Hakikat Nagar,
District Saharanpur (U.P.)

..... Applicant

(By Advocate: Sri A.K. Dave)

Versus

1. Union of India, through
General Manager,
Northern Railway,
Baroda House, New Delhi.

2. The Divisional Railway Manager,
Ambala Division, Northern Railway,
Ambala Cantt. Haryana.

..... Respondents

(By Advocate: Sri P. Mathur)

O_R_D_E_R (OPEN COURT)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant Smt. Chandrawati is the widow of late Bal Sarup, Steam Raiser, employed in the Northern Railway. Late Bal Sarup died in harness on 9.5.90. The applicant claimed that she was

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married to late Bal Sarup on 29.4.86 under the Special Marriage Act, 1954. The applicant had filed an OA No. 995 of 1998 in the Principal Bench and the same has been transferred to this Tribunal for hearing and disposal, vide order dated 12.2.99 of the Principal Bench, New Delhi.

earlier

2. The applicant had filed OA No. 163 of 1991 ~~the Principal Bench of 1st~~ before this Tribunal for the settlement of dues of her late husband. The OA was decided on 7.7.1992. A copy of the said order dated 7.7.92 has been annexed as Annexure A-2 to this OA. It was observed in the said order that it will be necessary for the applicant to produce a Succession Certificate from the competent Civil Court. The applicant claimed that he had obtained a Succession Certificate on 22.5.93 from the Civil Judge, Saharanpur (Annexure No. A-3) and had submitted before the Respondent No.2. As per Succession Certificate, the applicant is entitled to receive an amount of Rs. 59,056/-.

The Respondents have, however, not arranged the payment of the aforesaid settlement dues, ~~but~~ and on the other hand, had made objection to the effect that since Satish and Smt. Satto Devi were not party to the said succession certificate, the succession certificate is invalid and the applicant was asked to send succession certificate issued by the First Class Magistrate. The applicant submitted her representation dated 16.8.94 against the said decision, but the same has not been replied so far.

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3. I have heard parties' counsels and perused the records of the case.

4. It is relevant to extract the relevant portion of the order dated 7.7.92 passed in O.A. No.163 of 1991, which is as under:-

"6. We have given our careful consideration to the rival contentions, as briefly discussed above, and have also carefully perused the material on record. Keeping in view the peculiar facts and circumstances of the case, we are of the view that the interest of justice call for that succession certificate, from the competent Civil Court concerned, could be necessary, to be produced by the applicant in the case for entitling her to the reliefs claimed by her in the present O.A. Significantly enough, the applicant has not claimed to have nominations in her favour, having been executed by late Sh.Bal Sarup, in respect of the G.P.F. or other settlement dues except casually saying that her marriage with late Shri Bal Sarup may be verified from other record of Railway Administration. On the succession certificate being produced by the applicant, the official respondents may take appropriate action to disburse the settlement dues together with the request for compassionate employment, in accordance with the certificate so produced, and also in accordance with the rules and instructions on the subject."

It is not disputed that the applicant has obtained and submitted succession certificate issued by the competent Civil Court in respect of the payment of G.P. Fund amounting to Rs.59,056/-. The objections

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raised on behalf of the respondents are meaningless, because succession certificate is not issued by any Magistrate First Class. It is the competent Civil Court, which can issue a succession certificate. Similarly, the objection for impleadment of Satish and Smt. Satto Devi is also not valid, because such objection should have been raised before the Civil Court, which issued the succession certificate. Besides, it is also evident from the perusal of the succession certificate that the opposite parties were duly issued notice before issuing the aforesaid certificate. Consequently, the objections raised by the Respondents are not sustainable or not valid. The O.A. is accordingly allowed and the Respondents No.2 is directed to arrange payment of Rs.59,056/- (Rupees Fifty Nine Thousand and Fifty Six only) to the applicant in terms of succession certificate within a period of two months from the date of receipt of a copy of this order. The applicant is also entitled to costs of this OA amounting to Rs.1,000/- (Rupees One Thousand only). With regard to the payment of interest, it is open to the applicant to file another OA on account of ~~delay~~ in payment.

Rafiq Uddin
(RAFIQ UDDIN)
JUDICIAL MEMBER

Nath/