

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 27th day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M?

O. A. No. 152 of 2000.

Smt. Nutan Yadav aged about 26 years D/O Sri R.M. Yadav, Widow of Late Sri Jarnejai Yadav r/o H.No.130, Basantpur, P.O. Geeta Press, Gorakhpur (Ex-Clerk A.C.M.E.(P), D.L.W., Varanasi.

(T.No.8342).....

..... Applicant.

Counsel for applicant : Sri R.P. Singh.

Versus

1. Union of India through the Secretary, Ministry of Railway,  
Rail Bhawan, Sansad Marg, New Delhi.

2. General Manager (P), D.L.W., Varanasi.

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..... Respondents.

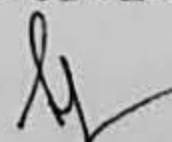
Counsel for respondents : Sri A. Sthalekar.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for direction to the Respondent No.2 to sanction the claim of the applicant on account of service-cum-death dues of Late Sri J.K. Yadav according to succession certificate. A further prayer has been made for sanction of family pension in favour of the applicant since 16.8.86. A prayer has also been made for setting aside order dated 17.10.97 and orders dated 12.9.96 and 15.10.96.

2. The applicant has claimed that she was married to Late Shri J.K. Yadav. Shri J.K. Yadav died after two months and 12 days of marriage. The applicant claims to have obtained succession certificate against the claim for the terminal benefits of Late Shri J.K. Yadav. She claims that one Asha Devi had contested the claim and had claimed that she was the wife of deceased Shri J.K. Yadav. It is claimed that the succession certificate had not been honoured by the respondents, who had asked the applicant to obtain a fresh succession certificate impleading Smt. Asha



Devi as a Defendant. The applicant claims of the terminal benefits as wife of Late Shri J.K. Yadav including family pension.

3. I have heard the arguments of Sri R.P. Singh for applicant and Sri A. Sthalekar for respondents.

4. It is not in dispute that the succession of the applicant has to be decided by the Civil Court. A copy of the succession certificate filed as Annexure A-11 by the applicant shows that the applicant has been declared entitled to half the amount of Rs.23,000/=. The impugned order dated 17.10.97 does not dispute the claim of the applicant for the amount shown in succession certificate. However, the applicant has been asked to deposit an amount of Rs.36,905/= plus electric charges so that her settlement dues could be cleared by the administration.

5. I find that the applicant has not challenged the recovery of damage rent in this case. Therefore, I find that no interference in order dated 17.10.97 is called for. It is clear from the succession certificate that the claim of the applicant to the tune of Rs.11,500/= cannot be disputed by the respondents now on the basis of their earlier letter dated 12.9.96 and 15.10.96.

6. Subject to above, the O.A. stands disposed of. No order as to costs.

  
A.M.

Asthana/  
29.5.02