

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28th day of January, 2002.

Original Application No..109 of 2002.  
(D.No.269/2002)

CORAM:-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiquddin, J.M.

1. Abhai Raj S/o Late Kewla Prasad Yadav,
2. Ramesh Kumar alias Udai Raj  
S/o Late Kewala Prasad Yadav  
Both residents of Village-Chakdiha,  
Post-Bharatganj, District Allahabad.

(Sri R.S. Maurya, Advocate)

. . . . . Applicant

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,  
Allahabad.
3. Assistant Engineer, Northern Railway, Chunar.
4. Permanent Ways Inspector, Northern Railway,  
Churk.

(Sri AK Gaur, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed for a direction to the respondents to make payment of retirement benefits including family pension, gratuity to the applicant which are payable to Late Kewala Prasad Yadav, who was father of the applicant. The applicants also claims compound interest @ 18% per annum on the retirement benefits.

2. The applicants claim that their father was

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a Gangman under respondent no.4,. They claim that they moved an application on 17-9-1996 for payment of family pension, gratuity and other dues which were payable to their father and also made a request for appointment on compassionate ground. The said letter was not replied to. Thereafter they sent a notice dated 26-8-1998 for all the payments and for appointment on compassionate ground. The said notice was replied to by the respondent no.3. The applicants claim that they came to know from the reply dated 24-9-1996 that a charge sheet dated 22-2-1995 was issued to their father on the ground of unauthorised absence. They, however, claim that the show cause notice dated 1-3-1995 fixing 2-3-1995 of the date of hearing was also not received by their father. They also claim that the removal order dated 8-5-1995 was also not served on their father. The applicants have, therefore, filed this application for a direction to the respondents to make payment of all retirement benefits.

3. We have heard Sri AK Sharma and Sri RS Maurya, counsel for the applicant and Sri MK Sharma, briefholder of Sri AK Gaur, counsel for the respondents.

4. We find from Annexure-1 to the OA that the claim of the applicants that their father died on 25-8-1996 while he was in service, has been denied by the respondents. They have mentioned that the father of the applicants had been removed from service on 8-5-1995. They have also mentioned that an amount of Rs.8367/- was sent by Cheque No. 515400 dated 24-11-1995 but whether it was received by their deceased father or not, is not known. The Account Department can furnish this information to them.

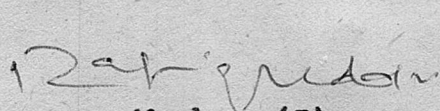
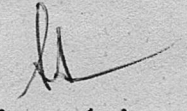
5. Learned counsel for the applicants prays that the amount due to their deceased father may be paid

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to them by the respondents.

6. We find that there were other heirs besides the applicants at the time of their father's death and the applicants can make a claim before the respondents including the Divisional Accounts Officer alongwith their Succession Certificate if any amount payable to their father is due and has not yet been paid. We do not consider it proper to issue any direction <sup>in favour of the applicants</sup> in the present circumstances. The OA is disposed of accordingly. There shall be no order as to costs.

  
Member (J)        
Member (A)

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