

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.603 of 2003.

Allahabad this the 9th day of March, 2005.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Smt. Firti Devi,
W/o late Purdil Ram,
R/o Village - Madhupur (Madhurampur)
Tahsil - Nizamabad,
Post Office - Mudlar,
Vikas Khand- Mirzapur,
Kotwali - Phoolpur,
District - Azamgarh.

....Applicant.

(By Advocate : Ms. Aparna Barman)

Versus

1. Union of India,
through General Manager,
North Eastern Railway,
Gorakhpur.
2. Divisional Railway Manager,
East Central Railway,
Sonapur.

...Respondents.

(By Advocate : Shri K.P. Singh)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M. :

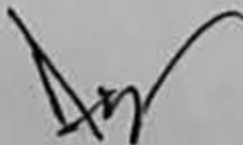
By this OA, the applicant has prayed for a direction to respondents to release immediately the payment of all legal dues, provident fund accumulations and monthly pension to the applicant and to release the all legal dues and its arrears with interest @ 18% per annum to the applicant.



.....2.

2. The brief facts, as per the applicant are that the husband of the applicant ~~was~~ died on 10.3.2003, while working as a senior clerk in the loco shed, GHZ. in the Mechanical department at Garhara under the North Eastern Railway. The grievance of the applicant is that inspite of the death of her husband, the respondents have not released legal dues retiral benefit, and pension etc. of the applicant till date. She has sent various representations dated 13.3.2003, 29.3.2003, 17.4.2003 and 2.5.2003 but no action has been taken by the respondents so far, hence she filed this OA. Learned husband of the counsel for the applicant submitted that the applicant has served the department from 19.8.1956 to 16.11.1983 for about 21 years but the settlement dues of him ~~applicant~~ have not been released by the respondents so far.

3. Resisting the claim of the applicant, the learned counsel for the respondents filed a counter affidavit and submitted that the husband of the applicant was removed from service on 16.11.1983, as stated in para 5 (A) of the counter affidavit. As the applicant has not submitted the required legal documents so he could not be given the due amount under settlement, due to the fault of the applicant, as stated in Para 5 (G) of the counter affidavit. It is also admitted in Para 13 of the counter affidavit that the subscription of P.F. of Ex-employee is still pending in Accounts Department due to non-submission of legal forms by the employee during his life period. It is also specifically stated in this paragraph that if the



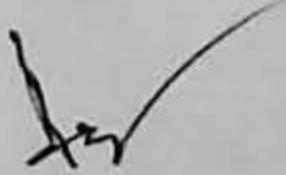
applicant submits requisite legal documents before the Settlement Section of D.R.M. (P), Sonapur Office, amount of P.F. accounts will be released after observing certain requisite formalities. Learned counsel for the respondents submitted that the required documents have been submitted by the applicant after filing the counter affidavit in this case so he is not in the knowledge of the current position of this case.

4. I have also gone through the rejoinder affidavit filed by the applicant on 24.8.2004, in the last paragraph of para 6, it is clearly stated by the applicant that all the necessary documents duly certified alongwith the requisite form No.24 ~~to the Competent Authorities~~ have already been sent to the department on 12.6.2004 and 23.7.2004 which are enclosed with the rejoinder as Annexure RA-1 i.e. Family Member certificate of the deceased employee form No.241, pre-receipt form No.380, indemnity bond and form No.236.

5. I have heard the learned counsel for the parties and perused the records.

6. In view of the above, I find it a fit case which can be disposed of by following direction:-

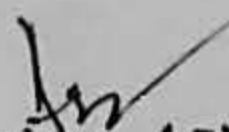
"If the required documents filed as Annexure RA-I have been received by the department then respondent No.2/Competent Authority will consider the claim of the applicant as per rules and if the applicant is found entitled for any claim for settlement dues of her husband, it shall be granted to the applicant"



.....4.

7. To facilitate early decision in the matter, the applicant may file a fresh representation alongwith the required documents to the Competent Authority within two weeks and the Respondent No.2 is directed to decide the same within four months from the date of receipt of such representation if so filed by the applicant.

8. With the above direction, the OA stands finally disposed of with no order as to costs.


Member (J)

RKM/