

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1022 OF 2003

ALLAHABAD, THIS THE 10th DAY OF MARCH, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER(I)

Smt. Jameela Begum,
w/o Late Hamid Hussain,
(Dependent mother of Late Nazrul Hasan),
Asst. Driver Electric Engine No.23192
Resident of 78-A, Sadiabad, Allahabad.

.....Applicant

(By Advocate : Shri R.K. Pandey -Absent)

V E R S U S

1. Union of India through the General Manager,
North Central Railway,
Allahabad.
2. Divisional Rail Manager,
North Central Railway,
Allahabad.

.....Respondents

(By Advocate : Shri A.K. Pandey)

O R D E R

This O.A. has been filed by Smt. Jameela Begum who claims to be the mother of Late Shri Nazrul Hasan who was working as Railway Electric Driver under respondent No.2. It is submitted by the applicant that he died on 04.10.2002 in a Train accident and since she is the mother of Nazrul Hassan, she is entitled^{to} gratuity and other compensation except pension. Therefore, she gave a representation to the respondent No.2, which has not been decided till date, therefore, she was forced to file this O.A. claiming direction to respondent to pay the amount of gratuity and other amounts with interest to the applicant and to decide her representation dated



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10.10.2002, 15.11.2002 and 25.11.2002 in favour of the applicant.

2. This O.A. is opposed by the respondents who have submitted that earlier one Smt. Shama Bibi had filed O.A. No.924 of 2003 claiming to be the widow of Late Nazrul Hasan claiming a direction to the respondents to make payment of arrears of salary, fund gratuity, pension and other financial benefits in her favour arising out of the death of her husband Shri Nazrul Hazan who was employed as a driver with the respondents. It was claimed by the said Smt. Shama Bibi that even though she was the nominee as per service records of the deceased but respondents are taking steps to make payments to respondents No.6 Ms. Nafise Jahan who also ^{is to be} ~~is~~ claimed the second wife of Late Shri Nazrul Hasan. It was stated therein that a Succession Suit has already been filed in the Court of Civil Judge, which is still pending, therefore, the said O.A. was decided vide order dated 14.08.2003 by directing the respondents not to make any payment to either of the parties till the issue of Succession is decided and make the due payments only after the decision of the Civil Judge in the Succession Suit.

3. Respondents counsel also submitted that in view of the order already passed by this Tribunal in O.A. No.924/2003 no relief can be given to the applicant in the present O.A. In view of the directions already given above, it is submitted by the respondents counsel that so far none of the parties have produced the Succession Certificate. Moreover, the Counter Affidavit was filed as back as on 25.11.2093 but till date neither applicant has filed any rejoinder affidavit nor anyone is present on behalf of the applicant to press this O.A. which shows that there is nothing concrete in her hand to establish her claim, therefore, this O.A. may be dismissed.

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4. I have heard the respondents counsel and perused the pleadings available on record as none is present for the applicant. Perusal of the earlier order dated 14.08.2003 shows that there was already a dispute between two ladies for claiming the settlement dues on the ground that they were the wife of Late Shri Nazrul Hasan and a Succession Suit is already pending before the Civil Judge for this purpose. If the applicant feels that she is also entitled to any dues naturally she would have to get the Succession Certificate in her favour which is already pending before Civil Judge. Since applicant hasnot rebutted the fact about the filing of the Succession Suit, it ^{shows R2} ~~says~~ that she is aware about the pendency of the said Succession Suit. Therefore, I do not think any relief can be given to the applicant in the present circumstances specially when this court had already passed a direction to the respondents not to release any of the amounts of Shri Nazrul Hasan till the Succession Su-it is decided by the Civil Judge.

5. In view of the above, the present O.A. is dismissed. However, liberty is given to the applicant to ^{put up R2} ~~state~~ her claim before the respondents in case Succession Certificate is issued in her favour. No order as to costs.

Member (J)

shukla/-