

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 69 OF 1987

~~T.A. No.~~

DATE OF DECISION 08/07/1988

Shri Poonam Ranchhod Petitioner

Shri S.G. Uppal Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. M. JOSHI : JUDICIAL MEMBER

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

Poonam Ranchhod,

1. Mangiben Wd/o, Poonam Ranchhod,
32, Quarter,
M.G.Station,
Sabarmati,
Ahmedabad.

2. Rakesh Poonam Ranchhod,

3. Chandrakant Poonam Ranchhod,

(Legal heirs allow as per M.A./131/88
Order dated 19/2/88)

(Advocate Shri S.G. Uppal)

.....Applicant

Versus

1. General Manager (E),
Western Railway,
Church Gate,
Bombay.
2. D.R.M.,
Western Railway,
Divisional Office,
Baroda.
3. Principal,
Railway Prathmic Shala,
Sabarmati,
Ahmedabad.

(Advocate Shri N.S. Shevde)

.....Respondents

O R A L - O R D E R

O.A./69/87

08/07/1988

Per : Hon'ble Mr. P. M. Joshi : Judicial Member

The petitioner, Shri. Poonam Ranchhod, an ex-Railway employee filed this application under Section 19 of the Administrative Tribunals Act 1985 on 10.2.1987. He challenged the order dated 8.1.1987 passed by the General Manager, where by his request for alteration in date of birth was rejected. He claimed that his correct date of birth is 10.5.1930, but it has been wrongly recorded as 25.2.1929. He therefore, prayed that the impugned order be quashed and set aside and he should be given all the retiral benefits on the basis of his correct

date of birth by rectifying the same.

The application has been resisted by the respondents no. 1 & 2. However, during the pendency of the proceedings of this application, the petitioner died on 5th January 1983 and consequently, his heirs including his widow Mangiben have been brought on record.

Mr. S.G. Uppal the learned counsel appearing for the petitioners, states that even after the date of the original petitioner, the heirs have not received all the retiral benefits. According to him, his cause may not survive, if the early settlement of all the terminal benefits is made by the Respondents. He has therefore, prayed that suitable directions may be issued in this regard. There is considerable force in the submission made by Shri S. G. Uppal. Mr. N.S. Shevde the learned counsel for the Respondents No. 1 & 2 is also heard.

After the death of the Ex. Railway employee, all the benefits including pension, provident fund, gratuity, leave benefits, group insurance, etc., has to be settled and the nominee has to be paid the same. On behalf of the railway administration, it is stated that since the petitioner had challenged his date of birth, his case for settlement of pension etc., has been delayed and final action in this regard may take some time. But in any case the question of payment of provident fund, gratuity, leave benefits, group insurance, etc benefits can be settled at the earliest.

It is therefore, directed that the respondents 1 & 2 will pay all such retiral benefits except pension to the nominee duly appointed by the railway employee within 2 months of the date of this order. The railway administration is entitled to settle all these accounts on the basis of the recorded date of birth

of the Railway employee. It is further directed that the pension benefits including family pension whatever admissible under the law may be finalised within a period of 4 months. With this direction, the application stands disposed of, with no order as to costs.


(P.M. JOSHI)
JUDICIAL MEMBER

' A.I.Tripathi '