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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 394 of 1988.

Date of decision : October 26, 1989.

Smt. Lenka Rangamma,
wife of late L. Surya Rao,
C/o Sarat Ch. Sahoo,
Rajabazar, P.O. Jatni,
District-Puri.

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Applicant.

Versus

1. Union of India represented by the
Divisional Railway Manager,
South Eastern Railway, Bilaspur Division,
Bilaspur (M.P.)
2. Sr. Divisional Personnel Officer,
S.E. Railway, Bilaspur.
3. Sri L. Venkatappa Rao,
C/o Sri L. Rama Rao,
4. Smt. T. Manikyam
C/o L. Rama Rao.

Sl. Nos. 3 & 4 are resident of
Block No. T/11, Unit 3, Bungalow Yard
Near Post Office, P.O./Dist. Bilaspur,
(M.P.).
5. General Manager,
South Eastern Railway,
Garden Reach, Calcutta.

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Respondents.

For the applicant : M/s. V. Prithivi Raj,
A. K. Sahoo, J. N. Jethi,
P. K. Nayak, Advocates.

For the Respondents

1, 2 & 5 : Mr. Ashok Mohanty, Standing Counsel (Railways)

For the respondents

3 & 4 : M/s. Gouranga Ch. Das,
B. Routray, Advocates.

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1. Whether reporters of local papers may be allowed to
see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether His Lordship wishes to see the fair copy
of the judgment ? Yes.

C O R A M :

THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

JUDGMENT

N.SENGUPTA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant has sought for a direction to the respondents to make payment of the dues including pensionary benefits and other amounts on account of the death of L.Surya Rao who was an employee under the South Eastern Railway.

2. The grievance of the applicant is that she is the widow of Late L.Surya Rao. But the Railway Administration made some payments of the dues of L.Surya Rao, on the latter's death, to the Respondents 3 & 4. The present applicant made a representation to the Railway Administration and in reply to that representation the Railway Administration in their letter dated 9.9.1988, copy of which is at Annexure-8 to the petition, intimated that Respondents 3 & 4 were the persons nominated by the deceased employee, L.Surya Rao. Therefore, the provident fund amounts were paid to them and the Railway Administration informed the applicant if really she had any claim, she was at liberty to approach the competent court of law and obtain prohibitory order restraining them from making payment to the Respondents 3 & 4.

3. Mr.Ashok Mohanty has reiterated the stand of the Railways as in Annexure-8 and has stated that the Railway

Mr. Mohanty
26/10/89

(15)

Administration has nothing to do in the matter inasmuch as it has already informed the applicant to approach a competent court of law for the relief. He has also further contended that this Tribunal is not the proper forum to work out the rights as amongst the applicant and Respondents 3 & 4. There is much substance in these contentions of Mr. Mohanty because whether or not the applicant is the widow of late L. Surya Rao, this Tribunal is incompetent to decide and the proper forum would be a Civil Court. Therefore, the stand taken by the Railway Administration is a proper one and no relief as against Annexure-8 could possibly be granted by this Tribunal. Accordingly, this application stands dismissed but, however, without costs as it may be that the applicant is the widow of Late L. Surya Rao and she may be ultimately entitled to some part of the amount already paid or to be paid to Respondents 3 and 4.



M. Sarangi
26/10/89
Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
October 26, 1989/Sarangi.