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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO: 29 OF 1990

Date of decision: 1st November, 1990.

Nayana Dei

Applicant

Versus

Union of India and others

Respondents

....

For the applicant

: Mr. U.C.Mohanty, Advocate.

For the Respondents

: Mr. L.Mohapatra, Standing
Counsel (Railway).

....

C O R A M S:

THE HON'BLR MR. B.R.PATEL, VICE-CHAIRMAN

A N D

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

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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 ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

....

JUDGMENT

N.SENGUPTA, MEMBER (J), The relief that the applicant claims is to get Provident Fund of deceased Panu Parida and all monetary and other benefits given to Panu Parida on the allegation that she is ~~the~~ widow of Panu Parida who was working as a Gangman under the South Eastern Railway. Her case is that she had married to late Panu Parida and was living with Panu as his wife. This fact was known to the Railways, it having been recorded in the index card issued to Panu Parida. The Railways made payment of a sum of about Rs. 13,000/- to her on the footing that she is ~~the~~ widow of Panu but had refused payment of the balance dues stating that ^{some} ~~sum~~ others have objected to the payment of the amount to her and one of them has alleged that he is the brother of late Panu and the applicant is not ^{the} widow.

2. The Respondents in their counter have maintained that on the strength of nomination, the Provident Fund amount due to the deceased Panu was paid to the applicant but Shri Harihar Parida made an application that he is the brother of late Panu Parida and as such was entitled to the amounts payable to the deceased on account of compensation for death while on duty, death-cum-retirement, gratuity, leave salary, unpaid wages etc. After receipt of a ~~lawyers~~'s notice on behalf of Harihar Parida served on them, the Department

made some enquiries and asked the applicant to produce a succession certificate in order to get the amount that was due to Panu Parida. The other details of the facts alleged are unnecessary to be stated.

3. We have heard Mr. U.C.Mohanty learned Counsel for the applicant and Mr. L.Mohapatra, learned Standing Counsel (Railway) for the Respondents. Mr. Mohanty has very strenuously urged that the Railway paid the Provident Fund amount to the applicant and as the name of the applicant was mentioned in the index card as wife of Panu there was no justification for the Railways to withhold the payment of the amounts other than Provident Fund to the applicant. Mr. Mohanty has further contended that the applicant produced before the Railway Authorites evidence of her living with Panu Parida as his wife for a considerable length of time and as such the Respondents should have accepted her as the widow of the late Gangaman. His contention further is that there being prima facie evidence in favour of the applicant, the Railway should have directed ~~objectioner~~ to establish his title ^{and accepted} ~~to~~ the claim of the applicant to the amount that was due to ~~the widow~~ ^{Panu}. So far as the Tribunal is concerned, it has no jurisdiction to decide the relation between private claimants. It can only adjudicate upon whether service benefit is due or not. Unpaid D.C.R.G. and other liquidated sum payable to a person dead comes within the ambit of the definition of ~~debt under~~ ^{death of} the Indian Succession Act and therefore, the Railway was well within the limit to insist on a

succession certificate to get a valid discharge before ~~they~~ - they pay the amount to anybody. Such being the position, we do not like to further ~~dialect~~ on the contention advanced by Mr. Mohanty about the sufficiency or otherwise of the evidence or material ~~raised~~ placed before the Railway Authority. With regard, to applicant's relationship with deceased Panu, we would like to add that we have doubts whether the Railways have jurisdiction to adjudicate upon such a relationship. Since it is not possible on our part to determine the relationship of the applicant with the deceased Panu, it is also not possible to grant the relief that the applicant has prayed for but we would make it clear that the applicant would be at liberty to take the amount on production of proper certificate from the proper authority.

4. The application is accordingly disposed of.
No costs.

Arvind
..... 1.11.96
VICE-CHAIRMAN



Arvind
..... 17/10/2000
MEMBER (JUDICIAL)

Central Administrative Tribunal,
Cuttack Bench/^K Mohanty.