

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.320 of 1990.

Date of decision:- 22nd.July, 1991.

Smt. Mangulata Mohanty Applicant.

Versus,

Union of India & Ors. Respondents.

For the applicant:- M/s. R. B. Mohapatra,
N. J. Singh,
S. C. Mohanty, Advocates.

For the Respondents:- None.

CORAM.

THE HON'BLE SHRI N. SENGupta: MEMBER (JUDICIAL).

1. Whether the reporters of local newspapers may be allowed to see the judgment ?

2. To be referred to the reporters or not ? No.

3. Whether their lordships wish to see the fair copy of the judgment ?

J u d g m e n t.

N.Sengupta, Member (J). The applicant had asked for a direction to release the 50 percent of gratuity payable to her on account of the services that her father rendered to the Railways. Her case is that her father was serving as Maker at Shalimar, South Eastern Railways. The father of the applicant died some time prior to September, 1975 where upon Urmila, the mother of the applicant, made a representation for payment of gratuity to her. The Chief Personnel Officer of the South Eastern Railways informed that she was entitled to 50 per-cent and the rest 50 per-cent was kept in deposit for her ~~minor~~ ^{Senior} daughter as per decision of the Law Officer, Garden Reach. The applicant has averred that on her attaining the age of majority, she obtained a certificate from the Tahasildar, Salipur under whose jurisdiction her house is, stating that she is ^{the} surviving heir of Ugrasen Mohanty, the deceased Railway Servant. She has further averred that she made an application in 1989 for paying her the ^{rest} /50 per-cent of the gratuity that was kept in deposit to be paid to her but the representation has remained unanswered.

2. The Railway Administration got notices but has not appeared.

3. Mr.R.B.Mohapatra learned counsel for the applicant has contended that as the amount was in deposit ^{would} and as it ^{be} found that the amount was to be

Mem. Regd. 1/11/91.

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paid to the daughter of Late Ugresan, the Railway Administration ought to have made payment immediately after the receipt of the representation made by the applicant. From the certificate granted by the Tahasildar, Salipur vide Annexure-2 it appears that the applicant was 21 years old at the time when the certificate was granted i.e. in July, 1989. The applicant could not have approached the authority for release of 50 percent of the gratuity before attaining majority. Therefore, though the amount ^{ought} to have been paid to the applicant in September, 1985, yet the applicant cannot be said to have been aggrieved by any order prior to ^{the} her attaining age of majority.

4. In these circumstances Respondent no.2 is directed to make payment to the applicant within a month from the date of receipt of the copy of this order. No costs.



Neel 22.7.91.
Member (Judicial).

Central Administrative Tribunal,
Cuttack Bench, Cuttack/I.Hossain.
22.7.91.