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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 599 of 1992.

Date of decision : March 29, 1993.

Smt. Gurubari Swain ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s.J.Patnaik,
H.M.Dhal,
A.A.Das, Advocates.

For the respondents ...

Mr.L.Mohapatra,
Standing Counsel (Railways)

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN.

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

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JUDGMENT

K.P. ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to disburse the retiral benefits including the gratuity, family pension, provident fund, leave salary etc. of her deceased husband, Pabana Swain, in favour of the applicant, Smt. Gurubari Swain.

2. This case came up for admission and hearing today. No counter hasbeen filed. But I have perused the records and different documents with the assistance of learned counsel for the applicant and Mr. L. Mohapatra, learned Standing Counsel (Railways). I have also heard both the counsel on the merits of the case. In this connection, one Arta Swain claiming to be the adopted son of late Pabana Swain came up with an application under section 19 of the Administrative Tribunals Act, 1985 which formed subject matter of O.A. 112 of 1992. This application was disposed of on 26.3.1992. The claim of Arta was for disbursement of retiral benefits as he was the adopted son of late Pabana Swain. The original application was dismissed with an observation that application may be filed before the competent authority and the said authority after giving due notice to Smt. Gurubari Swain and Arta Swain would decide the dispute. Vide Annexure-3 dated 23.4.1992 both Smt. Gurubari Swain and Arta Swain were noticed to file succession certificate. Ofcourse it is not clear from the records as to whether Arta Swain had appeared before the

Sub-Divisional Officer but the fact remains that the applicant, Smt. Gurubari Swain has filed a legal heir certificate from Tahasildar, Puri vide Misc. Case No. 5085 of 1991 certifying that Gurubari Swain and Kailash Chandra Swain are the legal heirs of late Pabana Swain, Gurubari Swain being the widow and Kailash being the son of late Pabana Swain. Such being the situation, I think there is substantial force in the contention of learned counsel for the applicant that the retiral benefits should be disbursed in favour of the widow and her son. In the circumstances stated above, it is directed that the retiral benefits, provident fund, including gratuity etc. be disbursed in favour of the applicant, Smt. Gurubari Swain.

3. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

K. S. D. S. B.
29.3.93

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Vice-Chairman

Central Admn. Tribunal,
Cuttack Bench, Cuttack.
March 29, 1993 Sarangpur

