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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No.227 of 1993

Date of Decision:3.8.1993

Benjamin D' Costa & Others

Applicant(s)

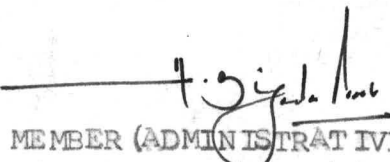
VERSUS

Union of India & Others

Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? NO.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? NO.

  
MEMBER (ADMINISTRATIVE)  
03 AUG 93

 2/8/93  
VICE-CHAIRMAN

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Benjamin D' Costa & Others Applicants

VERSUS

Union of India & Others Respondents

For the applicants

M/s.G.A.R.Dora  
W.Narasingh  
Advocates

For the respondents

Mr.D.N.Mishra  
Standing Counsel  
(Central Government)

C O R A M:

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

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioners pray for a direction to the opposite parties for making payment of the G.P.F. amount in deposit in the account of Piter D' Costa (since dead) and other financial benefit to which the petitioners are entitled under the law being legal heirs of late Piter D' Costa.

2. Shortly stated the case of the petitioners (three in number) is that one Piter D' Costa was working as Head Cook in South Eastern Railway Hotel at Puri. Piter died on 26.4.1990, and as yet the financial benefits accruing to the petitioners owing to the death of Piter not having been paid, this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that due to certain laches on the part of the petitioners not having taken steps in the appropriate time, disbursement of G.P.F. amount and family pension has been delayed, for which opposite parties are not at all defaulter.

4. We have heard Mr. G. A. R. Dora, learned counsel for the petitioner and Mr. D. N. Mishra, learned Standing Counsel appearing for the Railway Administration.

5. The admitted position is that the relevant papers were filed by the petitioners on 25.7.1992. Mr. D. N. Mishra submitted that soon thereafter, the financial benefits could not be disbursed, because certain requirements were not fulfilled by the petitioners. We do not like to enter into a roaving enquiry and cause delay in regard to disbursement of money, because Mr. Mishra submitted that the process of

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finalising payment of financial emoluments to which the petitioners are entitled is practically completed. We would therefore direct that G.P.F. money payable to the nominee/nominees be paid and within 10.9.1993 other financial benefits which has accrued in favour of the petitioners should be paid to them. Thus the application stands allowed. No costs.

6. Mr.D.N.Mishra further submitted that if the petitioners/claimants do not appear on the date fixed, then the opposite parties can never be able to comply with this order within the stipulated, and therefore, it should not be held that the opposite parties have intentionally violated the orders of this Bench. In order to avoid all controversies in future, we would direct that this case be listed (even though disposed of) on 10.9.1993 - the date on which Mr.Mishra would deliver the Bank Draft containing the amount due to the petitioners relating to the G.P.F. money of late Piter D.Costa and other dues to the petitioners to the counsel for the petitioners in Court.

7. The opposite parties may note that though Mr. Dora very heavily pressed on us for grant of interest, we refrain ourselves from passing any orders expecting that this order will be complied with by the opposite parties within the stipulated period mentioned above, failing which the defaulting officer will be liable to reimburse the Government relating to the interest which will be granted by **this** Court in favour of the petitioners.

MEMBER (ADMINISTRATIVE)

03 Aug 93

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 3.8.1993/ B.K. Sahoo

VICE-CHAIRMAN