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CENTRAL ADMINISTRATIVE TRIBUNAL:
CUTTACK BENCH: CUTTACK.

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ORIGINAL APPLICATION No.451 of 1993.

Date of decision: 20.12.1993

K.Sujata ... Applicant.

Versus,

Union of India & others Respondents.

For the applicant: M/s. P.K.Nayak, B.P.Patnaik
S.N.Sharma, B.N.Parida,
A.K.Sahoo, Advocates.

For the Respondents: Mr.D.N.Misra,
Standing counsel(Central).

C O R A M :

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

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

2. To be referred to the reporters or not ? N.

3. Whether His Lordships wish to see the fair *Y.*
copy of the Judgment ?

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JUDGMENT.

H.RAJENDRA PRASAD, MEMBER(A). In this application Smt.K.Sujata, widow of Sri K.Bhagabati Rao, formerly Boiler-Maker in the S.E.Railway workshops at Kharagpur, has prayed for a direction to be issued to the Respondents to disburse the due death-cum-retirement/benefits of her late husband to her since she is the sole rightful surviving claimant and legal heir of the deceased government servant.

2. Sri K.Bhagabati Rao, Boiler-Maker, S.E. Railway Workshop, Kharagpur, lost his first wife, Smt.K.Laxmi Bai, in January, 1986, re-married the applicant in June, 1986, and within less than three months thereafter himself passed away. Certain amounts by way of Provident Fund, D.C.R.G., Railway Insurance, Bonus, Leave salary and pension which were due to him are undisbursed till date.

3. The applicant represented to the authorities for the payment to her of these amounts. She was asked to obtain a succession certificate. The applicant complied with this requirement and again requested the authorities to pay her the entitlements. The succession certificate was accepted but she was asked next to submit her claim in a proper form, after being identified by two responsible persons, and counter-signed by the concerned departmental officers. She fulfilled this requirement as well and represented her claim once more. No action has, however, been taken by the Respondents till now. Her claim has not in fact

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been accepted or rejected.

4. We have offered repeated opportunities to the respondents to file a counter-affidavit. Despite many extensions of time granted to them, the Respondents have neither instructed their standing counsel properly in the matter, nor have they filed a counter-affidavit. This being the situation, this Tribunal has no choice except to proceed on the basis of facts as averred by the applicant.

5. The fact that Sri Bhagabati Rao's first wife, Smt. Lakshmi Bai, pre-deceased him is not disputed, nor has the fact of the marriage of the present applicant to Sri Rao been questioned. It is also mentioned that the name of deceased employee's first wife, Smt. Laxmi Bai, had been duly deleted from all official records soon after her death even while the government servant was ^{and} living in service. By all available evidence, there is no rival applicant, nor is it a disputed claim in any manner. Under the circumstances, it is held that the applicant, Smt. K. Sujata, is the sole undisputed legal heir of Shri Bhagabati Rao, and is, therefore, fully entitled to receive all the undisbursed benefits due to her husband and those which accrued to her on account of Shri Bhagabati Rao's demise. It is therefore directed that all moneys due to the late Sri Bhagabati or to his legal heir be disbursed to the present applicant, after proper



identification, within 45 days of the receipt of these orders.] No costs.

6. Thus the application is disposed of.

MEMBER (ADMINISTRATIVE)

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Central Administrative Tribunal,
Cuttack Bench, Cuttack/ Hossain.

