

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 19.11.2001

None appeared for the applicant when called. There has been no request made on their behalf seeking adjournment. In this case counter has been filed on 2.7.2001. As the learned counsel for the petitioner was absent copy of counter could not be served on him. On 4.10.2001 when the matter came up learned counsel for the petitioner was also absent and therefore, pleadings were taken to be completed and the matter was posted to this day for hearing and final disposal at the admission stage. To-day also learned counsel for the petitioner and his associates are absent. As this is a pension matter, it is not possible to drag on the matter indefinitely, more so in the absence of any request for adjournment. I have, therefore, heard Shri R.C.Rath, learned Addl. Standing Counsel for the Railways and perused the pleadings.

In this O.A. the petitioner, who is the son of late Kasinath Nayak who was working as M.C.M. under Sr.S.E.(C&W), Khurda Road and expired on 10.4.1998. Respondent No.4 is the widow of the deceased railway employee and Res.6 is another son of late Nayak. In the O.A. Res. 7 and 8 were added, who were married daughters of the deceased railway employee. But in order dated 2.5.2001, the O.A. was dismissed as against Res. 7 & 8 because of non furnishing of correct addresses of Res. 7 & 8 by the applicant.

In this O.A. the petitioner has prayed for direction to departmental authorities to disburse various retiral dues of the deceased railway employee in his favour and in favour of Res. 5, 6, 7 & 8 in equal proportion as they have got 1/6th share. The departmental respondents have filed their counter opposing the prayer of the applicant. Private Res. 5 and 6 were issued with notices, but they neither appeared nor filed any counter.

For the present purpose it is not necessary to go into too many facts of this case.

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Free copies of final
order dt. 19.11.01 issued
to counsel for both sides.

21/11/01
S.O.D.

Respondents have stated that after the death of the railway employee, the father of the applicant provident fund amounting to Rs.50,015/- was released in favour of Res.5, the widow of the deceased railway employee, as late Nayak during his life time had given nomination in respect of G.P.F., copy of which is at Annexure-R/1. In this nomination the deceased employee nominated his wife as the sole nominee of the G.P.F. amount and accordingly G.P.F. amount was rightly paid to the widow and therefore, the applicant does not have any claim over the provident fund amount. As regards the other dues, respondents have stated in their counter that CGEGIS amounting to Rs.29,322/- and gratuity amounting to Rs.2,20,110/- have been paid to the widow, the applicant, the 2nd son, one Shri Ramesh Ch.Nayak, who has not been arraigned as party in this case and Shri Umesh Ch.Nayak (Res.6) in equal shares. This averment has not been denied by the applicant through any rejoinder because of copy of counter not having received by the applicant. So far as other dues are concerned, these are leave salary, last wages and family pension. Family pension is due to be paid only to the widow and the applicant cannot claim any share over this. From the pleadings itself it appears that applicant is 48 years old. Last wages and leave salary have been paid to the widow as per rules. In view of this I find no merit in this O.A. which is accordingly rejected, but without any order as to costs.

S. Venkatesh
VICE-CHAIRMAN
19.11.2001