

Order dated 23.7.2001

This matter was heard on 4.7.2001, on which date learned counsel for the petitioner was not present nor was there any adjournment sought on his behalf. ~~seek~~ In view of this after hearing Shri P.K.Mishra, learned A.S.C. in part to give one more opportunity to the applicant, the matter was adjourned to this day. To-day when the matter was called none appeared from the side of the applicant nor was there any request for adjournment made on his behalf. As this matter has been heard in part it would not be proper to drag the matter indefinitely. We have therefore heard Shri P.K.Mishra, learned A.S.C. and perused the records.

In this O.A. the petitioner has prayed for a direction to the departmental authorities to pay him the arrear salary of his father along with interest. He has also prayed for payment of G.P.F., bonus and gratuity and other dues along with interest.


The case of the applicant is that his father was working as Bridge Khalasi from 1970 and he passed away in 1994 while in service. In spite of representation made by the applicant for the above purpose, no action was taken by the departmental authorities; that is why the applicant has approached the Tribunal with the prayers referred to earlier.


Respondents in their counter have stated that the father of the applicant along with other employees were spared by the Construction Organisation to the Sr.D.E.N.(Coord), Khurda Road, but the father of the applicant did not report before the Sr.DEN(Coord) and absented himself from duties. During such period of absence he passed away, as per the Death Certificate. Respondents have stated that the last service wages have to be drawn as per rules ~~and the~~ with the sanction of the competent authority and for the payment of provident fund the applicant is required to submit Succession Certificates as the father of the applicant had not submitted any nomination and on the basis of Succession Certificate the amounts accrued in provident fund and GIS will have to be equally distributed among all the legal

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heirs of late Akuli Das. As regards bonus the respondents have stated that the applicant has not indicated as to ~~which~~ year for which his father was entitled to bonus. In course of hearing it was submitted by Shri Mishra that during pendency of this O.A. the applicant has produced a legal heir certificate before the departmental authorities and payment of dues in respect of his late father is in process. In view of this we dispose of this application with a direction to the departmental authorities to consider the payment of dues as referred to above to the legal heirs of the ~~applicant~~ father of the applicant late Akuli Das strictly in accordance with rules and departmental instructions within a period of 120 (One hundred & twenty) days from the date of receipt of copy of this order.

The applicant has asked for interest. But as in this case we find that the applicant has not provided the necessary documentation for payment of these dues by the time this O.A. was filed, we hold that no case has been made out by him for payment of interest and therefore, this prayer is accordingly rejected.

The O.A. is disposed of in terms of observations and directions made above, but without any order as to costs.


MEMBER (JUDICIAL)


VICE-CHAIRMAN
23.7.2001

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Free copies of
final order
dt. 23.7.2001
issued to counsel
for both sides.

Dg
25/7/01


S.O.G.