

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

08. 13. 12. 01

At the request of Mr D.N. Mishra, Standing Counsel (Railways) matter is adjourned to 19.12.01.

BenchW
15/12/01

Shri M
vice-chairman
19/12/01
Member (S)

09. 19. 12. 01

Verified memo has been filed in court to-day by Learned Standing Counsel (Railways).

At request adjourned to 09.01.02 for hearing and final disposal at the stage of admission.

BenchW
for admission and
hearing.W
19/12/01

Shri M
vice-chairman
19/12/01
Member (S)

Order dated 9.1.2002

Heard Shri R.R.Routray, learned counsel for the petitioner and Shri D.N.Mishra, learned Standing Counsel and perused the pleadings. In this O.A. the petitioner, being the widow of Late Dama Mohapatra, a railway employee, has prayed for direction to respondents to pay him family pension, D.C.R.G., Provident Fund, leave salary etc. along with interest. Respondents have filed their counter. It is not necessary for the present purpose to go into too many facts.

J. J.M.

of this case. Admittedly in pursuance of the order dated 14.9.2001, the widow along with the legal heirs of the deceased railway employee appeared before Respondent No.5 on 1.10.2001 and the pension papers were filled in thereafter, but thereafter certain defects were noticed in the filling up of the pension papers and therefore pension has not been sanctioned. In view of this, Shri D.N.Mishra was directed to file a memo indicating the present position with regard to sanction of pension. Shri Mishra has filed a Memo dated 19.12.2001 stating that the documentation work with regard to payment of dues to the widow and the legal heirs is under process. It is submitted by Shri Routray that in the meantime legal heirs have already received the final withdrawal of Provident Fund. In consideration of this, I dispose of this Original Application with a direction to the departmental authorities that within a period of six weeks from to-day all the other dues shall be paid to the legal heirs of the deceased railway employee in accordance with rules.

Petitioner has asked for interest on the delayed payment of the dues. In this case the railway servant passed away on 21.8.2000. Admittedly the documentation with regard to claiming of final settlement/dues was completed only in October,2001 in pursuance of the direction of the Tribunal in order dated 14.9.2001. It is submitted by Shri Mishra that the Welfare Inspector has been deputed for completing the necessary formalities. In consideration of this, I hold t

J. JCM

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Free copy of order
aff. 9.1.02 issued to
the counsel for
both sides.

P. T. O.
S. O.

10/1/02

no case has been made out for payment of interest. However, it is made clear that if the dues as directed above are not paid by the time as indicated earlier, respondents shall pay interest at the rate of 12% on the expiry of six weeks from to-day till the date of actual payment.

The O.A. is disposed of as above.

No costs.

John W. M.
VICE-CHAIRMAN
9/1/2002