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O.A. No.947/04

ORDER DATED 20th NOVEMBER, 2007

Coram:
DR. K.B.S. RAJAN, MEMBER(J)

Since none had appeared for the Applicant when the matter was called in its turn, I granted a pass over. None also appeared for the applicant on second call.

2. The applicant is the wife of late Madhusudan Swain, who is stated to have served the erstwhile Bengal Nagpur Railway, which was later on stated to have been converted as South Eastern Railways. The service particulars of the applicant's husband are as under:-

(a) Date of appointment as peon : 05-02-1946

(b) Date of Confirmation 01-01-1948

© Date of falling ill 02-01-1964

(d) Date of demise 02-01-1999

(e) Provident Fund Deposit A/c No. 119013/4621

(f) Other details: He had deposited in the Bengal Nagpur Railways Cooperative Urban Bank.



2. On the demise of the applicant's husband, legal heir certificate No. T-88 of 2004 dated 17-03-2004 as at Annexure 5 was obtained from the Office of the Tahsildar, Sadar, Cuttack. The applicant seems to have approached through a legal notice to the Chief Personnel Officer, Controller of Stores and the General Manager South Eastern Railways for release of the Provident Fund accumulation, family pension and gratuity vide request letter dated 10.05.2004 (Annexure A-6 series). As these evinced no response, she had made a representation again to the Controller of Stores, annexing therein a copy of the death certificate of her husband and the legal heir certificate and renewed her request for disbursement of provident fund accumulation and other terminal benefits, vide letter dated 10.05.2004. Evidences for service of the above representations have also been produced. But according to the applicant, there has been no response to the above.

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3. Certain defects were pointed out of which, some had been cured as early as 10-11-2004 but the other defects have not been cured. The Registry has listed the case before the Court for orders.

4. The application is pathetically time barred. Again, defects have not been cured. As such, this is a case which should be rejected on account of such technical reasons. True, the respondents have not chosen to reply to the lawyer notice and the representation of the applicant. The South Eastern Railways have now been trifurcated into South Eastern Railways, the East Coast Railways and the South East Central Railways. It is not exactly known as to the place where the husband of the applicant was employed. Time distance is such that all the records would have already been weeded out. After 1964, the applicant's husband did not seem to have performed any duties. Nor did he seem to have preferred ^w any claim for the amount due during his life time from 1964 to 1999. All these aspects have

weakened the claim of the applicants. As such, there is no option but to reject the case. Hence, the OA is dismissed both on limitation, on non prosecution and on merit.

No cost.



MEMBER (JUDICIAL)