



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. OA 948 of 2004
Applicant(s) Smt. N. Ramalaxmi @ P. Ramalaxmi Respondent(s) Union of India for
Advocate for Applicant(s) M.P. Nayak Advocate for Respondent(s) S. P. Jena
B. P. Nanda

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

S.P.O. of Re. 61 - tiled
Copy Served
For favour of Registration
Please

REGISTER

Registrar

Order dated 16.11.04

Heard Mr. P.K. Nayak, Ld. Counsel for
the applicant and Mr. R.C. Rath, Ld. Standing
Counsel, on whom a copy of this O.A.
has been served.

The applicant claiming in this O.A.
to be the legally married wife of the
applicant has prayed the retirement
benefits to be paid to her by the

10.11.04

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O.A. 948/04

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For Adverses
Copy served.

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Respondents.

This matter was already agitated through a legal dispute, where the legal position of the applicant was challenged by the mother of the deceased railway servant. While the case was pending before the Hon'ble High Court of Andhra Pradesh in Revision Petition, the mother of the deceased Railway servant died, upon which the said Court had disposed of the Revision Petition observing that the decree of injunction granted in favour of the plaintiff ^{had} become inoperative and therefore, there ^{was} ~~is~~ no need to pass any orders on the merits of the Revision Petition and accordingly, the Revision Petition was dismissed.

The Respondents on receipt of application/representation from the applicant vide their letter dt. 2.4.04 raised objection on the ground that the question of succession certificate of the deceased railway servant was pending before the Hon'ble High Court of Andhra Pradesh and that the Hon'ble Jr. Civil Judge, Salur in OS/9/97 had granted perpetual injunction restraining ^{them} from making payment of settlement dues. In that letter the Respondents directed the applicant to obtain succession certificate from a Court of law,

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

besides to submit documents i.e., family pension. documents, photos, Bank Account, Death Certificate of the deceased etc.

From the disclosure of above facts by the applicant, it appears that the applicant has not taken any follow up action in this regard.

It is in this view of the matter, we are of the view that this O.A. is premature and no cause of action accrues on the applicant to approach the Tribunal. It is for the applicant at this stage to take follow up action in compliance of the letter dt.2.4.04 (vide Annexure-6) and after completion of this formality, if she feels aggrieved by the action of the Respondents, she is at liberty to approach the Tribunal.

With this the O.A. is disposed of at the admission stage. No costs.

Send Copies, with the Copies of OA, to the Respondent
and Applicant
Member (J)

Vice-chairman 17/4

Copy of order dt 16/11/04
a/w of copy issued to
all the respondents by Post.
The same copy of order
issued to the Counsel
but taken note
11/23/11/04
S.C.

23/11/04