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O.A.NO. 253 OF 2005.

1. ORDER DATED 02-08-2005.

Heard Mr. B.S.Tripathy, Learned counsel appearing for the Applicant Shri Binaya Kumar Biswal and Shri R.C.Rath, learned Standing Counsel for the Railways; on whom a copy of this Original Application has already been served.

One Ramachandra Biswal took voluntary retirement from the Railway services and died shortly thereafter. His widow Bauri Bewa approached this Tribunal in Original Application No. 729 of 1993 and obtained an order on 23.03.1994 entitling her to get terminal benefits from the Railways. However, the Railways approached the Hon'ble Supreme Court of India, instead of making payments to the widow. In the said premises, the widow also breathed her last without getting the terminal benefits. After disposal of the case before the Hon'ble Supreme Court of India, this Tribunal

asked the Respondents/Railways by an order dated 09.11.1995 (rendered in CP No. 13 of 1995) to release the terminal benefits in favour of the present Applicant Shri Binaya Kumar Biswal; who was to hold the amount in trust for other legal heirs of late Bauri Bewa, the mother of the present Applicant. It appears, some amount was also released in favour of the present Applicant Shri B.K. Biswal and it is the case of the present Applicant that the entire terminal benefits were not given to him; for which he represented to the authorities/Railways under Annexure-A/5 dated 24-01-2005. Without hearing anything from the Respondents, the Applicant has filed the present Original Application No. 625 of 2005. A copy of this Original Application has been served on Mr. R.C. Rath, learned Standing Counsel for the Railways only yesterday. Neither in his representation under Annexure-5 dated 24.1.2005; nor in the body of the present Original Application , the Applicant has disclosed the names of all the legal heirs of late Ramachandra Biswal/late Bauri Biswal. It is not known as to whether the Applicant has

ever placed on record before the Railway Authorities any legal heir certificate/succession certificate to show as to who are the legal heirs of late R.C. Biswal and Late Bauri Biswal.

In the aforesaid premises, this Original Application is disposed of (without being admitted) with direction to the Respondents to consider the grievances of the Applicant as raised in his representation at Annexure-A/5 dated 24.01.2005 and, while doing so, they should insist of the legal heirs /succession certificate in respect of the states of late Ramachandra Biswal and late Bauri Biswal. The Respondents should also depute a welfare Inspector to verify as to whether the other sons and daughters of late R.C.Biswal and Late Bauri Bewa have received their shares of terminal benefits or not.

With the aforesaid observations and directions this Original Application is disposed of at the admission stage. No costs.

Send copies of this order, along with copies of this Original Application, to the Respondents and free



6

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copies of this order be also handed over to the counsel for
both sides.

Jehans
02/08/05

MEMBER (JUDICIAL)

