

V  
O.A. No.39/2006

Order Dated 11.01.2008

Coram : Hon'ble Shri C.R. Mohapatra, Member(A)

Heard Mr. S. Pattnaik, Ld. Counsel for the Applicant and Mr. D.K. Behera, Ld. Counsel for the Respondents. Mr. Pattnaik reiterated that there is no documentary proof to establish the second marriage of the deceased employee. He also mentions that there is no provision under the relevant pension Rules of the Railways whereunder succession certificate can be ~~submitted~~ <sup>insisted</sup> upon before release of the pension and other related pensionary benefits. He does not dispute the entitlement of the mother who is still alive.

Mr. Behera, Ld. Counsel for the Railways also agrees that there is no provisions in the relevant pension Rules to insist upon a succession certificate. He says that a dispute arose due to a joint representation dated 05.10.2004 (Annexure-R/1) signed by the widow mother and a lady claiming to be the second wife and due to this dispute they ~~submitted~~ <sup>insisted</sup> upon a succession certificate before release of the pensionary benefits. Mr. Behera, Ld. Counsel for the Railways also submits that the mother who is still living ~~has~~ <sup>has</sup> definitely a share in the pensionary claim of the deceased employee.

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It is now almost more than 03 years, that, this issue is hanging, and the pension as well as pensionary benefits are yet to be released by the employer. This state of uncertainty cannot be allowed to continue further. In view of ~~the~~ the inordinate delay in settling the pension and pensionary claim of the deceased employee, Respondent No.2 & 3 are directed to finalise the claims and release the amount to the entitled persons as per the Railway Servants Pension Rules, 1993 within a period of 03 months.

With the above observation and direction this O.A is disposed of. No order as to cost.

Copy of this order be given to the Applicant and Ld. Counsel appearing for both sides.

  
MEMBER (A)