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OA No.425 of 2006

Gourimani Singh & Others .... Applicants  
Versus  
UOI & Ors. .... Respondents

1. Order dated 01st September, 2009

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THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

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7(Seven) Applicants stating to be the legal heirs of Late Rama Chandra Singh have filed this Original Application under section 19 of the A.T. ACT, 1985 seeking the following relief:

- “(i) To admit and issue notice to the respondents asking them to reply as to why the claim of the applicants have not been released/disbursed for years together rejecting the claims of the stranger if any;
- (ii) To direct the respondents to consider the claim of the applicants and to release the legitimate dues (pension, arrear salary, revised salary and other pensionary benefits) payable by the Railways to the applicants without any grumble along with interest thereon from the date due till the date of payment.”

2. Respondents have filed their counter inter alia stating that Rama Chandra Singh while working as a Driver 'A' special under L.F./Khurda (now CCC/KUR) expired on 21.08.1997. After his death all his retirement dues are liable to be paid to the legal heirs. Gajendra Singh claiming to be the son of the deceased employee filed an application dated 22.11.1997 claiming sanction of family pension and other pensionary benefits and another application dated 27.5.1999 was received from one Smt. Uma Singh stating to be the wife of the deceased

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employee claiming payment of the dues of her husband late Rama Chandra Singh. In support of their claim, both of them have produced the Legal heir certificate/other connected documents. There being no nominee in the service book of the deceased employee and there having two claimants in the circumstances, the Respondents intimated both of them that the dues of the deceased Government Servant will be released only after production of succession certificate. According to them, they have acted as per the Rules and law.

3. Heard Learned Counsel for both sides and perused the documents placed on record including the written note of submission filed by Learned Counsel for the Applicant on 27.08.2009. Learned Counsel for the Applicant submitted that Uma Singh is a stranger. It was contended by the Learned Counsel for the Applicant that Late Ramachandra Singh predeceased his wife and he had never married till his death second time. Smt. Uma Singh is a stranger and taking the advantage of the prior death of the wife of Rama Chandra Singh, with connivance of the Railway Authorities she has been able to manipulate the entry in the Service Book after the death of the employee and wants to take the retirement dues of the deceased. He has further contended that the legal heir certificate produced by Smt. Singh was not genuine. Also it was contended by him that Welfare Officers are in the Railway to enquire into such matter to settle the retirement dues when there is any dispute in the matter. But instead of enquiring the matter through the welfare officer, with oblique motive the

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Respondents asked the Applicants to produce the succession certificate. Accordingly, Learned Counsel for the Applicants prays direction to the Respondents to release all the dues in favour of the applicants on the basis of the documents by the Applicants being the legal heirs of the deceased. This was strongly opposed by Learned Counsel appearing for the Respondents.

4. It may be recorded that this Tribunal is not empowered to decide who are the legal heirs of a deceased employee; nor does this Tribunal can act as the appellate authority over and above the decision of the competent authority of a particular department. Exercise of judicial power of this Tribunal is limited only to the extent of infirmity in the decision making process of passing an order in the matter.

5. In order to satisfy that actually there has been any nominee nominated by the deceased employee during his life time; Respondents' Counsel was directed to produce the Service Book of the deceased. From the service book produced by the Respondents' Counsel I find no nominee nominated by the ex employee. However, it is seen from a separate sheet attached to the Service Book that it has been certified by the sub-ordinate in-charge and countersigned by the Assistant Mechanical Engineer, S.E. Railway, Khurda Road that "after making enquiries from Sri S.N.Dash, Driver, Loco/KUR, I am satisfied that Smt. Uma Singh is the legally married wife of Late Rama Chandra Singh who was employed as Ex Driver 'A' Spl Loco, KUR on 28.08.1997." This was given much after the death of the


Government Servant which was according to me beyond his jurisdiction, competence and authority and as such needs further probe by the Respondents and responsibility for such irregularity needs to be fixed for appropriate action.

6. Since there is dispute in regard to who are the legal heirs of Late Rama Chandra Singh, I find no infirmity in the action of the Respondents in asking both the claimants to produce the succession certificate. It was contended by Learned Counsel for the Applicant that already a good number of years have been taken meanwhile and for obtaining Succession Certificate it will take considerable time. According to the Learned Counsel for the Applicant though there is a practice for tracing out the legal heir(s) of a deceased Railway Employee through Welfare Officer available in the Railway, the same has not been followed in this case. It is considered that there is some merit in this submission. To ensure speedy disposal of the grievance of Applicants and for resolution of the pending claims it may be worthwhile for the Respondents to cause an enquiry through the Welfare Officer to find out who are the legal heirs of the deceased employee and based on the said report a decision ~~can~~ be taken by the Respondents whether the dues can be released in favour of the persons found to be the legal heirs of the deceased or Succession Certificate is still necessary. Ordered accordingly. The entire exercise shall be completed within a period of 60 days of receipt of this order.

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7. In the result, this OA stands disposed of with the observations and directions made above. There shall be no order as to costs.

Registry to return the Service Book of Late Ram Ch. Singh to Learned Counsel for the Respondents with due acknowledgement.

  
(C.R. Mohapatra)  
Member (Admn.)