

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 28.7.04

Copies of order
prepared for counsel
for both sides.

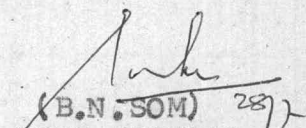
L
3/8Dr. S. B. Jena
So (H)ORDER DATED: 28/07/2004.

Heard Mr. S. B. Jena, Learned Additional Standing Counsel appearing for the Respondent-Department, Mr. D. N. Patnaik, Learned Counsel appearing for the Respondent No. 5 and Mr. P. C. Pradhan, Learned Counsel appearing for the Applicant and perused the records.

Mr. Jena, Learned Additional Standing Counsel submitted that Res. No. 3 has already requested the grand-mother of the minor children, who are the Applicants in this O. A. to produce the natural guardianship certificate for the purpose of disbursement of the retirement/pensionary dues. However, so far the said certificate has not been produced. It has also been submitted by the Learned Additional Standing Counsel that the Respondents have decided that disbursement of the retirement benefits/monthly family pension to the minor children will only be made when they would receive the natural guardianship certificate from the surviving relation of the deceased Govt. servant. It is also to be noted that during the course of hearing Mr. P. C. Pradhan, learned counsel for the applicants submitted on behalf of their maternal uncle who is not a party in this case that maternal uncle of the Applicants has filed a petition in the meantime before the competent forum for

19
obtaining guardian-ship certificate. However, I am not concerned with regard to the action reported to have taken by the Maternal uncle of the Applicant and that is outside the jurisdiction of this Tribunal. I, however, agree with the submissions of the Respondents that the retirement benefits/monthly family pension can only be released as and when guardian-ship certificate is produced before them by ^{Certified} various persons.

With the above observations and directions, this O.A. is disposed of. No costs.


(B.N. SOM) 28/2
VICE-CHAIRMAN