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O.A. No.06 of 2008  
Arsu Kisku ... Applicant  
Versus

UOI & Ors. ... Respondents

Order dated 13<sup>th</sup> October, 2009.

C O R A M

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

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Applicant by filing this Original Application seeks direction to the Respondents to release the death cum retirement benefits of her late husband L.Kanda Kisku who succumbed to death while working in the Railway as Khalasi on 12.09.2000.

2. It is the stand of the Respondents that though the amount to which the applicant was entitled to after the death of her husband was ready otherwise payable but for non-filing of legal heir certificate, the amount though sanctioned, was kept in suspense account. Their further stand is that the applicant has been addressed under Annexure-R/2 dated 22.01.2008 to produce the certificate to receive the dues of late Kisku. From the letter under Annexure-R/3 dated 19.08.2009 to the counter it reveals that the amount payable to the applicant has been released. Further it reveals from the letter under Annexure-R/1 that after the death of the railway servant the family pension has been sanctioned in favour of the applicant and she is in receipt of her monthly pension regularly. In the light of the above it has been contended by the Respondents that since the delay was occasioned not because of the Respondents but for the reason of non-production of the necessary paper such as

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legal heir of the deceased etc. the applicant is not entitled to any interest.

3. Applicant filed rejoinder to which the Respondents have also filed additional counter. Having heard the rival submission of the parties I have gone through all the pleadings and materials placed on record.

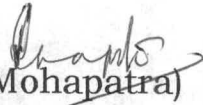
4. The only question that remains for decision is whether delay occasioned in release of the dues was attributable to the applicant and if not, whether she is entitled to interest. From the record it reveals that the husband of the applicant died on 12.09.2000 and accordingly family pension was sanctioned in favour of the Applicant. If none has been nominated to be the legal heir to receive the dues claimed in this OA, while sanctioning the family pension, the Respondents ought to have asked the applicant to produce records required for sanction of the dues or ought to have assisted the applicant through the Welfare Inspector for getting those records for sanction of the dues. No record has been produced by the Respondent to show that any such action was taken soon after the death of the railway servant except addressing letter under Annexure-R/2 only on 22.01.2008. Fact remains that the amount was lying with the Respondents till the same was made available through letter under Annexure-A/3.

5. For the reason discussed above, in my opinion the claim of the applicant for interest on the un-disbursed amount merits consideration. Accordingly, this Original Application is

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disposed of by granting liberty to the applicant to make a representation in this regard within a period of seven days hence and on receipt of the said representation the Respondents are directed to consider the payment of interest on the delayed amount of the statutory dues to the applicant in terms of Rule 87 of Railway Servant (Pension) Rules, 1993 within a period of 30 days of receipt of the representation. No costs.

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