

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

O.A. No.575 of 2010  
Cuttack, this the 29<sup>th</sup> day of September, 2010

C O R A M

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

Archana Panda, aged about 38 years, W/o.Late Ajaya Kumar Panda of Village-Kanaragohiri, PS-Khantapada, Dist. Balasore at present Qr.No.649/B, Retang Colony, PO/PS-Jatni, Dist. Khurda.

Applicant

By legal practitioner: M/s. B.Satpathy, M.R.Behera., Counsel  
-Versus-

1. Union of India represented by the General Manager, East Coast Railway, Samanta Vihar, Bhubaneswar-751 017, Dist. Khurda.
2. The Divisional Railway Manager (P), East Coast Railway, Khurda Road Division, At/Po-Jatni, Dist. Khurda.
3. The Sr. Divisional Personnel Officer, O/o.DRM (P) Khurda Road, Railway Division, East Coast Railway, At/Po.Jatni, Dist. Khurda.

Respondents

By legal practitioner: M/s. S.K.Ojha, SC

O R D E R

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

It is the case of the Applicant that despite the premature death of her husband Late Ajay Kumar Panda on 05.12.2005 while working as Senior Control Clerk in Operating Department of East Coast Rialway, Khurda Road, Jatni died prematurely on 05.12.2006 and despite repeated representations she has not been paid the death cum retirement dues of her husband including family pension etc. till date. Hence by filing this OA she seeks issuance of direction to the Respondents to release all the dues to which she is entitled to under rules after the death of her husband within a stipulated period.

2. Heard Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Senior Standing Counsel appearing on notice

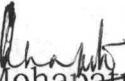
L

for the Respondent-Railway and perused the materials placed on record. It is trite law that pension payable to employees of the government after retirement or to their legal heirs in the event of the death of the Government servants/pensioners is not a charity or bounty dependent on the sweet will of the employer. It was held in a number of cases in past that if it is wrongfully withheld or delayed, owing to the culpable negligence, otherwise than in accordance with rules; the recipient is entitled to interest. In absence of any communication from the Respondents or even assigning reason for asking the applicant in letter under Annexure-A/4 dated 17.10.2007 to produce the death certificate in original; court affidavit in original and legal heir certificate from Tahasildar and in letter under Annexure-A/7 dated 5.2.2009 to produce succession certificate, this Tribunal is not in a position to come to any definite conclusion in the matter. It is the case of the applicant that she is the legally married wife of the deceased Railway servant. Her name must have been recorded in the service sheet of the ex employee. It is seen that the grievance of applicant for release of pensionary dues is lying un-disposed with the Respondents since 2006. In the above circumstances, instead of keeping this matter pending I deem it fit and proper to dispose of this OA at this admission stage, **with direction to the Respondent No.3 to look to the grievance of the applicant as raised in her representation at Annexure-A/8 in consultation**

5

with the records <sup>and</sup> with reference to Rules and favour a reply in a well reasoned order to the applicant within a period of thirty days from the date of receipt of copy of this order. Ordered accordingly.

3. Send copies of this order along with OA to the Respondent No.3 for compliance.

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