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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No. 600 of 2010

Kamala Das BezApplicant

Vs

UOI & Ors. Respondents

1. Order dated: 5th July, 2011.

C O R A M

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

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Kamala Das Bez, Wife of Lachhman Das Bez has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 seeking direction to the Respondents to release family pension and other retirement dues of her husband in her favour with 12 per cent interest per annum forthwith.

2. The contention of the Applicant is that her husband was missing since 1990. She reported such missing before the Kansa Police Station under Puri District of Orissa on 20.12.1999. Since his whereabouts was not known for last seven years, she requested the Railway Administration to release the retirement dues of her husband in her favour. As no action has been taken thereon, she has approached this Tribunal.

3. Respondents filed their counter in which it has been stated that Sri Lachhman Das Bez, Ex-Khalasi/Helper, Ticket No. 1892 working under CIF (M)/TRS/Narkeldanga in Sealdah Division of Eastern Railway was absenting himself from duty unauthorizedly since 09-07.1991. As per the Railway Servants (D&A) Rules, 1968, for such unauthorized absence from duty, major penalty charge sheet in the year 1996 was issued against

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him. The matter was enquired into and Shri Lachhman Das Bez was imposed with a punishment of removal from service vide order No.ELS/1/14/E-18 (TR) dated 16.03.1999. The order of punishment was sent to Shri Bez in his residential address but the same returned undelivered with the postal remark that the addressee is not found. Therefore, copy of the said order of removal was pasted in the notice Board on 22.6.1999. In the circumstances the applicant is not entitled to the family pension and gratuity as claimed by her in this OA. However, it is admitted by the Respondents that as per the pension manual, the PF due, GIS and leave encashment of the ex-employee is payable to his legal heirs.


4. The Applicant has filed rejoinder in which it has been stated that even for the sake of argument if it is accepted that the order of removal is justified still then the applicant being the widow is eligible to get 2/3rd pension along with the Provident Fund, GIS Leave encashment and other benefits which are admissible as per Rules. But no rule has been placed on record in support of this submission by the applicant.

5. Heard the rival submission of the parties and perused the materials placed on record. I have not come across any such provision that wife of a removed/dismissed employee is entitled to 2/3rd pension or gratuity unless the order of removal/dismissal is set aside by the authority or court of law. The order of removal imposed on the applicant's husband has not been challenged on any ground in this OA. As long as the said order of removal stands, the applicant is not entitled to pension and gratuity as claimed by her in this OA. But the dues which are admitted by the Respondents to be paid to the legal heirs of the ex employee need



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to be processed expeditiously and the same shall be released in favour of his legal heirs, as per rules, within a period of 45 days from the date of receipt of copy of this order. For the reasons stated above this OA stands disposed of. No costs.


(C.R. MOHAPATRA)
Member (Admn.)