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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.361 of 2011

R.Siyan & Ors Applicants

Versus

Union of India and others Respondents

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1. **Order dated : 09-06-2011.**

CORAM

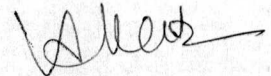
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

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Call this matter on 17-~~06~~-2011. Meanwhile, Learned

Counsel for the Applicant is at liberty to file the document

sought to be filed.



Member (Judicial)

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O.A. No. 361 of 2011

R. Siyan & Ors Applicants
Vs
Union of India & Ors..... Respondents

Order dated: 17.06.2011

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

Heard Mr. P.C.Mishra, Ld. Counsel for the applicant and Mr. S. Barik, Ld. Additional Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. The case pertains to release of terminal benefits/death benefits of the father of the applicants, who was a Group-D employee in the Postal Department and who died in harness on 3.1.2010. The wife of the deceased employee already predeceased on 17.04.2008 leaving behind 5 children, out of which three are minors. The applicants, along with four others including the minors, have filed this O.A. No. 361/11 claiming the following relief:

"The Original Application may kindly be admitted, Notice may kindly be issued and after hearing the parties, the respondents no. 2 and 3 be directed to release the Terminal benefits/Death Benefits which includes all type of claims of the deceased father of the applicants on the strength of the Legal heir certificate issued by

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the Tahsildar, Danagadi within a period of two months."

3. M.A.No. 455/11 has been filed to allow the applicants to prosecute this case jointly. Ld. Additional Standing Counsel for the Respondents has no serious objection for allowing the case to be adjudicated jointly. Accordingly, M.A. 455/11 is allowed and thus disposed of.

4. M.A. 495/11 for amendment is to add two paragraphs which, it reveals, have no relevance to the relief claimed in this O.A. The documents filed as Annexure-4 series relate to death claim of P.L.I. policy No. OR-5214-P held by the deceased employee. One of the documents sought for in regard to the P.L.I. policy is the succession certificate. As stated above, these are the documents which relate to the P.L.I. policy of the deceased employee and have no bearing on the release of payments under the Pension Rules to the deceased employee. Hence, M.A. 495/11 is rejected, not being relevant to the prayer of the applicants.

5. Shri P.C.Mishra, Ld. Counsel for the applicants submits that the applicants have not so far approached the concerned authorities after the death of the father for payment of terminal benefits/death benefits to the legal heirs as per the certificate given by the Tahsildar. Hence, he seeks

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liberty to file a representation before Respondent No.1 within a period of 15 days and Respondents may be directed to consider the same and pass a reasoned order within a specific time frame. In view of the above and as agreed to by the parties, without going into the merit of the matter, it is ordered that the applicants may file representation before Respondent No.1 within 15 days from today and, in the event of such a representation being filed within the above time frame, Respondent No.1 shall consider the same as per the extant rules/instructions regarding release of terminal benefits to the legal heirs of the deceased employee within a period of 45 days from the date of receipt of representation from the applicants. The decision of Respondent No.1 on the above subject shall be communicated to applicant No.1 with a reasoned order within the time frame indicated above.

6. With the above observation and direction, the O.A. stands disposed of at the stage of the admission itself.

7. Send copy of this order, along with copy of the O.A., to Respondent No.1 for compliance. Free copy of this order be given to the Ld. Counsel for the parties.


MEMBER (Admn.)