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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No.759 of 2011

Korma Barla @ Oram Applicant

Vs

Union of India & Others Respondents

1. Order dated :16-11-2011.

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

AND

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

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The prayer of the Applicant, in this OA is two fold i.e.

(a) for direction to the Respondents to pay him the family pension from 4.10.1997 to 6.3.2009 with interest @ 18% per annum and (b) for direction to the Respondents to release the arrears of Provident Fund of the deceased Railway employee. Heard. Perused the records. As it appears from the letter under Annexure-A/12 dated 20.7.2011 the applicant was paid his share of the family pension in terms of Rule 75 (6)(ii) of the Railway Servant (Pension) Rules, 1993 vide order dated 14.02.1995. He was receiving this till attaining the age of 25 years. Admittedly, the Applicant attained the age of 25 years on 4.10.1997. Perused the Rules which provide that family pension shall be payable to a son until he attains the age of twenty five years. In compliance of the order of the Hon'ble High Court of Orissa dated 6.5.2008 the applicant was provided with employment on compassionate ground in Group D category as Trackman vide order dated

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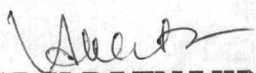
04.03.2009. It is the contention of the applicant that the reason behind the provision of payment of family pension was to enable the family to sustain and since the Respondents provided appointment to the applicant belatedly he was entitled to family pension for the period from 4.10.1997 to 06.03.2009. Further contention of the Applicant is that after the death of the Railway Servant the PF amount should have been paid in favour of the Applicant but the same has not been paid to him and, therefore, direction needs to be issued for payment of the same at an early date. Learned Counsel appearing for the Respondents, on the other hand, submitted that the claim for payment of the arrear of family pension for the aforesaid period being contrary to the Rules he is not entitled to the same. We find that payment of family pension in favour of the applicant beyond 25 years being contrary to the Rules, the applicant was rightly denied the same for the above period. However, on being pointed out, Learned Counsel appearing for the Applicant did not press the said prayer made in this OA and confined his prayer for direction to release the withheld PF amount of the deceased railway servant. We find force in so far as release of the PF amount is concerned and feel that the claim of the applicant for release of the PF dues can be decided based on the records available in the office and issuing notice asking the Respondents will only perpetuate


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delay. Hence as agreed to by Learned Counsel for both sides, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.2 to examine the matter with reference to the records as to whether PF amount of Late Ratia Oram has been released or not and if not released take immediate action to release the said amount in accordance with Rules within a period of forty-five days from the date of receipt of copy of this order. In case the same has been released, the applicant may be informed about it along with the supporting document regarding the release within the said period.

2. Copy of this order along with OA be sent to the Respondent No.2 for compliance.


(A.K.PATNAIK)
Member (Judl.)


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