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O.A.No.382/2009

Bursu Deogam & anotherApplicants.
Vs.
Union of India & Ors.Respondents.

ORDER DATED 04th MAY 2010

Coram:

Hon'ble Mr. C.R. Mohapatra, Member (A)
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Heard Mr. N.R. Routray, Ld. Counsel for the applicant and Mr. R.S. Behera, Ld. Counsel for the Respondents (Railways). Also perused the material placed on record.

2. The applicants are the son and daughter of Manguli Deogan, who while in service of the Railways as a Store Watchman expired on 10.11.2006. The wife of the deceased employee had pre deceased on 23.04.2003. The case of the applicants is that except the provident fund amount no financial benefit consequent to the death of their father has been paid to them in spite of repeated representations. Neither any compassionate appointment has been allowed in the case of applicant No.1. Hence, the applicants have prayed for the following relief:-

"To direct the Respondents to release the death/retirement benefits i.e. family pension (w.e.f. November 2006), DCRG, Leave Salary, CGEGIS and T.A. and pay 12% interest on the entire

amount from the date of entitlement to the date of actual payment."

3. When the case had come up before this Tribunal the Ld. Counsel for the Railways was directed to obtain instruction in the matter regarding payment of family pension to the legal heirs of the deceased employee. Further opportunity was also given to the Respondents to file counter vide order dated 17.09.09. Since no counter was filed till 08.02.10 the matter was placed before the Bench treating the pleadings as completed in terms of Rule 31 of CAT (Procedure) Rules 1987. The Respondents were allowed as last chance to file their counter and the matter came up for hearing on 27th April, 2010 and again the matter was listed for hearing on 29th April, 2010 & no counter was filed. However, during hearing Mr. R.S. Behera, Ld. Counsel for the Railways submitted that they have already released payments on account of Leave Salary, CGEGIS and provisional family pension in favour of the applicants and Respondents have already undertaken the process for settling the claim relating to DCRG and any other family pension related payments. He further submitted that it will take little more time to finally settle all the claims of the applicants consequent to the death of the Railway Employee.

4. Accordingly, with the consent of the Ld. Counsel for the parties it was considered appropriate to dispose of the O.A. granting a reasonable time to the Respondents to fulfill their commitment regarding the residual payments. Accordingly, Respondent Nos. 2, 3, 4 & 5 are directed to ensure

that all the retiral benefits including DCRG be released to the applicants within a period of three months from the date of receipt of the copy of this order.

5. With the above observations and directions this O.A. is disposed of. No order as to cost.

6. Copy of this order be sent to Respondent Nos.2, 3, 4 & 5 for compliance.


ADMN. MEMBER

Kalpeswar/C.M.