

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.86 of 2010

B.Sridevi @ M.Sridevi Applicant
Versus
Union of India & Others Respondents
.....

Order dated: 07-05-2010.

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THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)
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In this Original Application filed under section 19 of the A.T. Act, 1985, the applicant challenges the letter No.P/DPO/SBP/Sett/MS/Lt.MR/09 dated 08.12.2009 (Annexure-A/4) of the Divisional Railway Manager (P), East Coast Railway, Sambalpur Railway Division in rejecting the claim of the applicant for getting his share on the settlement dues of her mother who breathed her last prematurely while serving in the Railway as Record Sorter. Through this letter under Annexure-A/4 it was intimated to the Applicant as under:


“With reference to your letter quoted above on the above subject matter it is to intimate that as per provision contained in Railway Service Pension Rules, 1993, the married daughter is not entitled to get any share over settlement dues in case of any living son of deceased Rly. Employee exists. So in this case the dues can only be payable to Shri M.Gopal Krishna, the legitimate son of deceased employee as per extant railway rules.”

2. That the applicant is the married daughter of the deceased employee is not in dispute; nor the applicant has produced any rules entitling her the share on the death retirement dues of the ex employee. As per the rules and various provisions, the death retirement dues are being paid to the nominee made by the employee concerned. No record has also been produced by the applicant that the applicant was one of the nominees to receive the dues of the ex employee. Therefore, the claim of the applicant is not sustainable. It has been contended by Learned Counsel appearing for the Applicant that as per the Hindu Succession Act the applicant being the daughter of ex employee is entitled to her share on the death retirement dues of the ex employee irrespective of nomination furnished during the life time of the ex employee. If it is so then she can agitate the same before the appropriate forum

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but not certainly before this Tribunal as this Tribunal lacks jurisdiction to decide regarding the succession issue.

3. In view of the above, having heard Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Railway appearing for the Respondents, I find no flaw or infirmity in the order under Annexur-A/4 or in the matter of disbursement of the dues. Accordingly, this OA stands dismissed at the stage of admission itself.


(C.R. MOHAPATRA)
MEMBER (ADMN.)