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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00819 of 2015
Cuttack, this the 27th day of November, 2015

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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1. Pravakar Swain,
aged about 27 years,
2. Bhabagrahi Swain,
Aged about 31 years.

(Both are S/o Late Lopinath Swain, Vill- Jingal, PO/PS- Tirtol,
Dist- Jagatsinghpur.)

...Applicants

(Advocates: Mr. S.B.Mohanty)

VERSUS

Union of India Represented through

1. General Manager,
E.Co.Rly, E.Co.R. Southern,
Rail Vihar, Chandrasekharpur,
Bhubaneswar-751023, Dist-Khurda.
2. Deputy Chief Engineer (Construction) Pig & PIO (Construction),
East Coast Railway, Rail Vihar,
Chandrasekharpur,
Bhubaneswar-751023, Dist-Khurda.
3. Divisional Railway Manager,
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist- Khurda- 752050.
4. Chief Administrative Officer (Construction)/Co-Ord,
East Coast Railway, Rail Vihar,
Chandrasekharpur,
Bhubaneswar-751023, Dist-Khurda.
5. Sr. Personnel Officer (Construction)/Co-Ord,
East Coast Railway, Rail Vihar,
Chandrasekharpur,
Bhubaneswar-751023, Dist-Khurda.

... Respondents

(Advocate: Mr. T.Rath)

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O R D E R (Oral)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr.S.B.Mohanty, learned counsel for the applicants and
Mr.T.Rath, learned Standing Counsel for the respondents on the



question of admission and perused the records. M.A.No.894 of 2015 for joint prosecution is allowed and thus disposed of.

2. Grievance of the applicants is that their father was initially appointed as casual worker in the S.E. Railways on 17.2.1971. He was later on given temporary status on 1.1.1981 and then permanently absorbed in the regular scale of pay. While working as such, he passed away on 14.3.2005 and although, in the meantime, several years have passed, no retiral benefits have been released in their favour.

3. Applicants claim to be the legal heirs of the deceased railway employee and it is submitted that they have made a few representations to the authorities in the year 2014 and despite that retiral benefits were not released. It is the submission of the applicants that the family is in distress ^{ed} ^Q condition because of non-release of the retiral benefits in time by the railway authorities.

4. On the other hand, Mr.T.Rath brought to the notice of the Tribunal the fact that according to legal heir certificate vide A/8, the deceased railway employee has got four legal heirs, viz., two sons and two married daughters whereas in the present case only two sons have approached the Tribunal claiming such relief. Further, Mr.Rath has brought to my notice that the Senior Personnel Officer(Con./Coord.), East Coast Railways (res.no.5) had issued a letter to applicant no.1 in this O.A. on 25.8.2014 in which he was informed to attend his office on any working day at the earliest and place his claim along with documentary proof, i.e., death certificate, legal heir certificate and bank mandate form etc. so that the retirement benefits could be released. It is not known whether in



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response to this letter, applicants have attended the office of Res.no.5.

The point urged by Mr.Rath is that the railway authorities are in readiness to release whatever retiral due are admissible in favour of the applicants provided applicants cooperate with the railway authorities by producing the required documents.

5. Having considered the rival submissions, I find that the further action in this regard ~~is~~ apparently lies with the applicants themselves, because, they have to attend the office of res.no.5 with the required documents in response to letter dated 25.8.2014. Accordingly, they are directed to produce the necessary documents to respondent no.5 within a period of fort-night and on receipt of the same, respondent no.5 shall settle the retiral benefits as dues^l and admissible and pass appropriate orders within a period of sixty days from the date of receipt of the required documents. In the process, the retiral dues to which applicants are entitled ~~to~~ shall be released within a further period of sixty days from the date of issuance of the appropriate orders by Res.no.5.

6. With the above observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by the learned counsel copy of this order along with the paper book be sent to Res.nos.2,3 and 5 at the cost of the applicants for which Mr. S.B.Mohanty undertakes to file the postal requisites by 30.11.2015.

Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
(MEMBER(A))