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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.233 of 2012
Cuttack, this the 4th day of September, 2014

B. Giri Applicant

-Versus-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? ☒

2. Whether it be referred to PB for circulation? ☒



(R.C. MISRA)
ADMN. MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.233 of 2012
Cuttack, this the 4th day of September, 2014

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

Bhargabi Giri,
aged about 52 years,
W/o: Late Harendra Nath Giri,
Vill-Mala,
P.O.-Barunasingha,
Dist-Balasore.

..... Applicant

(Advocates: M/s- J. Sengupta, G. Sinha, A. Mishra)

VERSUS

Union of India Represented through

1. The General Manager,
South Eastern Railways,
Garden Reach Kolkata-43.
2. Divisional Railways Manager (P),
South Eastern Railways,
Kharagpur.
3. Senior Divisional Personal Officer,
South Eastern Railways,
Kharagpur.

..... Respondents
(Advocate: Mr. S.K. Ojha)

ORDER

R.C. MISRA, MEMBER (ADMN.)

The applicant in the present Original Application has approached this Tribunal with a prayer for direction to be issued to Respondents to disburse family pension including the arrears in her favour immediately and also to pay the retiral dues and interest @18% per annum for the period for which these were due till the date of actual payment.



2. The short facts of this case are that the applicant's husband while working as Office Superintendent in the Office of Respondent No.3 expired on 29.11.2007. Thereafter, the applicant submitted an application for the family pension and other retiral dues on 24.03.2008 along with necessary documents. Subsequently, she also submitted the legal heir certificates issued by the Tahasildar, Remuna for settlement of the legitimate claims. However, the Respondents on conducting a preliminary enquiry found that the deceased employee had two wives. In the above background, the authorities asked the applicant to produce the succession certificate to be issued by a competent Court of Law to establish her claim. Thereafter, the applicant filed a Succession Misc. Case before the Court of the Civil Judge (Senior Division), Balasore and this case was disposed of with an order that the petitioners and the OP no.1 are jointly entitled to get Succession Certificate. The petitioners No.2, 3, 4 & OP No.1 were the sons and daughters of the late Railway employee. The applicant submitted the Succession Certificate before the Respondents and also ^{attended} ~~conducted~~ the personal hearing. However, her grievance is that thereafter also the retiral dues were not settled.

3. The Respondents have filed counter affidavit in which it has been averred that due to the rival claims made by the applicant, and ^{also} one Smt. Panchami Giri claiming to be the second wife of Ex-Railway employee, it was not possible for the Railway authority to release the dues in favour of any one in the absence of Succession

P. G.

Certificate. However, after the submission of the Succession Certificate from the competent Court of Law, leave salary, GIS dues, Family Pension have been already released to all Succession holders as per their appropriate share. The concerned Bank has also been authorized to pay the arrears of family pension. However, the delay which occurred in the ^{sanction} ~~succession~~ and disbursement of the family pension and retiral dues was on ~~the~~ account of the fact that there ^{were} ~~was~~ rival claims for the same and a Succession Certificate was required from the competent Court of Law before the sanction could be accorded. Therefore, the claim for payment of 18% interest on the dues is unacceptable since the Respondents have not committed any deliberate delay in sanctioning and disbursing the amounts.

4. Heard Mr. J. Sengupta, Ld. Counsel appearing for the applicant and Mr. S.K. Ojha, Ld. Panel Counsel appearing for the Respondents/Railways and perused the materials placed on record.

5. It was conceded by the Ld. Counsel for the applicant that the family pension and retiral dues as admissible have been paid to the applicant in the meantime.

6. Considering the submissions, I feel that nothing more subsists to be adjudicated in this matter. With regard to the prayer of the applicant for payment of 18% interest, the submission^{of} of the Respondents are convincing and the applicant's Counsel has not substantiated such a claim by bringing ^{any} ~~in~~ different facts to my notice. Accordingly, I am not inclined to grant any relief so far as payment

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of interest is concerned. Since the legitimate claim^e relating to family pension including the arrears thereof have been paid to the applicant, the O.A. has^{been} rendered infructuous and is disposed of accordingly.

R.C. Misra

(R.C. MISRA)
ADMN. MEMBER

K.B