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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 338/2014

Cuttack this the 6th day of **May**, 2016

Kanakalata Patra

...Applicant

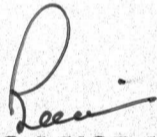
-VERSUS-

Union of India and Others

.....Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *No*
2. Whether it be referred to CAT, PB, New Delhi for being circulated to various Benches of the Tribunal or not ? *No*


(R.C.MISRA)
MEMBER(A)

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

Kanakalata Patra aged about 57 years wife of Late Dibakar Patra at village Sarada, PS Gop, Konark, District Puri, Odisha.

...Applicant

By the Advocates- Mr. P.K.Das

-VERSUS-

- 1- Union of India represented through the General Manager, Eastern Railway, Garden Reach, Kolkata 43, West Bengal.
- 2- The Divisional Railway Manager, Eastern Railway, Sealdah, Kolkata-14.
- 3- The Senior Divisional Personnel Officer, Eastern Railway, Sealdah, Kolkata-14.
- 4- The Chief Welfare Inspector, Eastern Railway, Sealdah, Kolkata-14
- 5- Kalyani Patra, Railway Quarter No. 37/B (Type-II), Majerhat, Kolkata, West Bengal.

...Respondents

By the Advocate- Mr.N.K.Singh

O R D E R

PER R.C.MISRA, MEMBER (A)

Heard Shri P.K. Das, learned counsel for the applicant and Shri N.K. Singh, learned panel counsel appearing for the respondents- Railways.

2. In this O.A., the applicant, who is a widow of late Shri Dibakar Patra, who was an employee of the Railways, has approached this Tribunal making a prayer that the service benefits of her late husband should be released in her favour. The facts of the case are that the late Railway employee died on 8th December, 2008 leaving behind his widow, the present applicant, two sons and two daughters. The present applicant being the legal heir made a prayer to the concerned authorities for payment of P.F., Gratuity and such other benefits on 23rd November, 2009 and again on 23rd December, 2009. Thereafter, the Chief



Welfare Inspector of the Eastern Railway at Sealdah, served a letter dated 12.10.2010 on the applicant stating that the settlement forms duly filled-in after inquiry has been given on 23.12.2009 for signatures and due attestation from the concerned authority. Thereafter, the applicant became ill and requested one Mr. Rath, vide her application dated 19th July, 2011 applied to the authority concerned under the RTI Act to provide certain information. The applicant has further averred in the said application that the Railway authorities have communicated that the applicant and his children had not submitted the necessary papers for payment of settlement dues, in absence of which the final settlement case could not be processed. She also submits that she has been informed by the Railway authorities that the applicant had also entered into a second marriage which was not in her knowledge. The Railway authorities have filed a counter affidavit in which their main contention is that the settlement papers after being executed by the respondent-authorities have not been submitted by the applicant and there could not be any progress regarding the release of Death-cum-Retirement-Gratuity benefits to the present applicant. It is, however, submitted that in spite of direction in an earlier O.A. bearing No. 853/2011, the applicant has failed in submitting the settlement papers.

3. I have heard the learned counsel for both the parties. Although, in the O.A., the applicant has made mention of several things but, there is no averment to the effect that the settlement papers were in fact submitted to the Railway authorities. On the other hand, Shri N.K. Singh, learned counsel for the Railways has specifically mentioned that the applicant has not submitted her settlement

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papers and the authorities will process the dues of her husband as admissible, immediately after receiving the necessary documentation irrespective of any other communication which might have been sent earlier. Shri Das, learned counsel for the applicant has also submitted that the applicant in her present situation, is not feeling secure to go to the Railway Office to file her settlement papers. In sum and substance of this situation, admittedly there is no disputes regarding the claims to be released to the applicant, as per her entitlement. It is only the question of submission of settlement papers in the prescribed form along with the documents to be attached thereto, to the Railway authority. I, therefore, find that, neither on the point of facts nor on the point of law, the Tribunal is now required to adjudicate any issue. Therefore, after hearing the learned counsel for both sides and having perused the records, I dispose of this O.A. with the following directions :

(i) The applicant shall submit her settlement papers to the concerned Railway Authorities within a period of thirty days from the date of this order. If at all there has been any mis-placement of the settlement papers, another set of settlement papers can be submitted.

Shri N.K.Singh, learned counsel for the Railways has also submitted that in case of any mis-placement, they are prepared to receive another duplicate set of documents from the applicant.

(ii) After receiving the settlement papers, the Railway Authorities shall dispose of the matter within a period of sixty days from the date of receipt of a copy of such settlement papers, and also release the Death-cum-Retirement-Benefits etc. to the applicant, as per her entitlement according to law.

4. The O.A. is disposed of on the above terms with no order as to costs.


(R.C.MISRA)
Member (A)