

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 278 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

G. Sarothi, wife of late G. Rajanna, Ex-E.I.M.,  
Loco-shed Adra, S.E. Rly., residing at Vill-  
Haldanga, P.O. Adra, Dist-Purulia, Pin-723 121.

...Applicant

- v e r s u s -

1. Union of India through the General Manager,  
South Eastern Railway Garden Reach, Calcutta.
2. The Chief Personnel Officer, S.E. Railway,  
Garden Reach, Calcutta-43.
3. The Divisional Personnel Officer, South Eastern  
Railway, Adra, Purulia.

...Respondents.

For the applicant : Dr. S. Sinha, counsel.  
For the respondents : Mr. P. Chatterjee, counsel.

Heard on 30-12-97

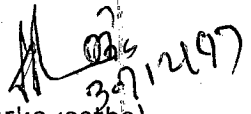
Order on 30-12-97

O R D E R

D. Purkayastha, JM

The applicant G. Sarothi, wife of the deceased employee viz. G. Rajanna, Ex-E.I.M., Loco-shed Adra, S.E. Rly., filed this application before this Tribunal for direction upon the respondents to release all the settlement dues and family pension under liberalised pension Rule 1979 with interests. The case of the applicant in short is that she is a third wife of the deceased employee G. Rajanna and she obtained succession certificate from the Court of the District Judge, Purulia in respect of the Provident Fund dues Rs.2,162/-, Leave Salary Rs.31/-, C.G.E.G.I.S Rs. 20610/- and D.C.R.G. Rs. 15,149/- in all Rs. 37,952/- lying in the credit of the deceased G. Rajanna, lying in deposit in the office of the deceased, after compliance of the other procedures. According to the applicant she is entitled to get the pensionary benefit of the deceased employee - as third wife as per succession certificate issued by the competent authority. The respondents did not file any written statement in this case.

2. Mr. Chatterjee, Id. counsel appearing on behalf of the respondents submits that the department would pay her dues of Provident Fund and L.I.C. money in accordance with the law and in view of the succession certificate obtained by the applicant Smt. Sarothi in this case. But the question of payment of family pension to the Legal representatives of the deceased would be decided as per pension rules applicable to them. I have gone through the records and heard the Id. counsel for both the parties. It is found that a succession certificate was issued in favour of the applicant in respect of the provident fund dues and leave salary etc. lying in the deposit of the office of the deceased. In view of the succession certificate, I find no legal impediment to grant necessary relief to the applicant as per pension rules. And thereby I direct the respondents to release all settlement dues and family pension as per pension rules applicable to her in view of the succession certificate obtained by her in succession certificate case No.7 of 1989 filed by Smt. G. Sarothi. And it is further ordered that her claims should be settled by the respondents and payment should be made accordingly within the two months from the date of communication of this order and the applicant shall be paid interest at the rate of Rs.12% per annum from the due date of payment of the pension, which she became entitled to get as per family pension Rules/pension rules. The application is disposed accordingly awarding no costs.

  
(D. Purkayastha)  
M e m b e r (J)

a.k.c.