

In the Central Administrative Tribunal
Calcutta Bench

No.OA 806 of 1997

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

Draupadi

.... Applicant

- VS -

- 1) General Manager, South Eastern Rly., Garden Reach, Calcutta.
- 2) The Divisional Personnel Officer, South Eastern Rly, Chakrabharpur.

... Respondents

For the Applicant : Dr.(Ms.) S. Sinha, Advocate

For the Respondents: Mr. P. Chatterjee, Advocate

Heard on : 15-01-1999

Date of Judgement : 15-01-1999

ORDER

Heard Ld. Advocates of both the parties.

2. Grievance of the applicant is that pension has been granted in favour of the applicant; but respondents did not release the DCRG amounts to Rs.24,480 in favour of her as some dispute cropped up in the form filed by the applicant herself. Hence, applicant filed this application for direction upon the respondents to release the DCRG money along with interest at the rate of Rs.14% on that amount.

3. Respondents resisted the claim of the applicant by filing written reply. In the reply it is admitted by the respondents that applicant is getting family pension as per Pension Rules. But it is stated that due to some difficulties, as pointed out in the reply, they could not release the DCRG money in favour of the applicant, ^{for the reason that} since there ^{is} some discrepancy in respect of age of the applicant and her eldest son as mentioned in the annexure marked as Annexure R-6 to the reply. ~~They~~ According to the respondents, the applicant Smt. Draupadi Devi was asked to rectify the same or produce legal Heirship Certificate and

No Objection Certificate in this regard. But she did not comply with the request made by the authority vide letter dated 16.1.96 (Annexure R-7 to the reply). That is why respondents could not release the DCRG money.

4. I have considered the submissions of Id. Advocates of both the parties and I find that there is ^asome discrepancy in respect of the age of the applicant as well as in respect of her eldest son and applicant was asked to rectify the same. In view of the aforesaid circumstances, I find that it is admitted position that the applicant Smt. Draupadi Devi is getting family pension. Thereby, it cannot be safely presumed that there is no dispute regarding identity of the wife of late Narahari, Ex-Fitter Grade I, under Carriage Foremen of the respondents' Office. ~~Since the applicant is getting family pension thereby,~~ I find that the DCRG money also can be released by the respondents on the basis of the submission of Indemnity Bond duly executed by the applicant and ^{by the} legal heirs of the deceased. On receipt of the said Indemnity Bond from the side of the applicant and legal representatives of the deceased, the DCRG money should be released by the authority without further delay. Dr. Sinha on behalf of the applicant submits that applicant did not receive any letter from the respondents as annexed with the reply marked as Annexures 6, 7, & 8. It is found from the application that applicant is now residing at Vill. Dalminadiha, P.O. Dalminadiha, District: Purulia and all the letters including pensionary documents were issued to her at P.O. Birmitrapur, District : Sundargarh, Orissa. So, all the correspondence can be made to the applicant in the aforesaid noted address since applicant is now residing in the District of Purulia. Respondents also could not show that any letters (Annexures 6, 7 & 8) were received by the applicant. In view of the aforesaid circumstances, respondents are directed to release the DCRG money within one month from the date of receipt of the Indemnity Bond. With this observation application is disposed of awarding no cost.

(D. Purkayastha)

Member (I)