

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1294 of 97

Present : Hon'ble Mr.D.Purkayastha, Judicial Member
Hon'ble Mr.M.P.Singh, Administrative Member

SMT. HENA RANI CHANDRA & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.A.B.Ghosh, counsel

For the respondents : Ms.B.Ray, counsel

Heard on : 4.12.98

Order on : 4.12.98

O R D E R

D.Purkayastha, J.M.

The applicant No.1 Smt.Hena Rani Chandra is the wife of late Gopal Chandra, ex-painter under Loco-Foreman Office, Mechanical Deptt., Chakradharpur Division, S.E.Railway. The applicant No.2 is the son of deceased employee Gopal Chandra. They have filed this application after 38 years from the date of death of the deceased employee Gopal Chandra for getting settlement dues on account of the death of Gopal Chandra who died on 12.3.59. According to the applicant No.1 at the time of death of Gopal Chandra the applicant No.2 was minor. It is stated by the applicant that after attaining majority he got an appointment as Khalasi on compassionate ground on 24.4.77. They have made several representations to the authorities but they did not settle the settlement dues, etc. Therefore the applicants filed this application for direction upon the respondents to release the payment of all settlement dues i.e. the Provident Fund, gratuity, Group Insurance, etc. to the applicant. Respondents filed their reply. They have stated that the applicant No.1 and her son have jointly made a representation to the General Manager by letter dated 14.5.97. But their settlement dues, exgratia pension and Provident Fund dues have already been paid earlier under letter dated 11.1.57. The appli-

cant is further advised on the aforesaid letter dated 11.11.97 to submit documentary evidence relating to the service and payment of the deceased if available with her to locate the records as it is a ~~an~~ case of more than 38 years ago. As regards the payment of settlement ~~an~~ dues of late Gopal Chandra it is submitted that the deceased Railway servant was governed by the CPF rules and was entitled for payment of ~~a~~ Provident Fund, special contribution of Provident Fund and gratuity only from the Railways. PF and SC to PF dues of the deceased have already been passed and paid through letter dated 11.1.57 issued by the FA & CAO/Garden Reach and it would be evident from letter dated 8.1.98 marked Annexure R/1 to the reply. It is stated that all settlement dues have been paid to her and thereby she is not entitled to get any settlement dues from the respondents and therefore the application should be dismissed.

2. The ld. counsel for the applicant submits that from the letter dated 9.8.95 Annexure A/2 at page 12 of the OA it is found that all the settlement dues Provident Fund are lying with the department and payment of gratuity is also being held up. Therefore there cannot be any question that the payment is made to the applicant as per statement made by the respondents in this case. We find that the respondents ^{have} ~~produced~~ some papers from which it is found that the claim of the applicant is settled and necessary order is passed. Respondents could not produce the actual papers on the ground that 38 years old many documents in support of the receipt of the payment is destroyed by the respondents as per rules. So they are unable to show any record as regards the payment ^{but} ~~that~~ _{the} records show that the payment has been made to the applicant.

3. We have considered the submissions of both the parties. The admitted fact is that the said Gopal Chandra died in the year of 1959 and the applicants could not produce any representation to show that they made any application for settlement dues even after attaining majority of applicant No.2 who got employment on compassionate ground in 1977 as Box Khalasi. It is found that ~~the~~ the first representation was made by the applicant on 4.8.95. But the department has produced

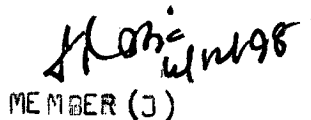
the records relating to the maintenance of the Provident Fund of the applicant while he was in service, and that record of Provident Fund shows that the ~~applicant~~ ^{deceased employee} has been paid the PF dues after retirement. ~~because~~ ^{also} The record shows that the deceased employee was also paid bonus which could be admissible to the employee only when he is retired. From the Annexure R/1 it is found that the payment order has been made on 11.1.57 but the ~~applicant~~ employee died in 1959. It indicates that the applicant died after having been retired from service because he received bonus against the outstanding amount of PF dues as per records on 11.1.57. It is found that admittedly the claim is a belated one, ^{as} and the applicant sought for settlement dues after lapse of 38 years. It is found that before filing this application the applicants also sought for exgratia payment under the scheme of pension ^{which} ~~Accordingly~~ ^{and} that amount has been sanctioned by the department.

4. In view of the aforesaid circumstances we find that the applicant fails to show that the department has failed to make payment as per application. We are satisfied that the applicant has been paid the PF amount earlier. Therefore the application is devoid of merit and liable to be dismissed. Accordingly the application is dismissed awarding no costs.



MEMBER (A)

in


MEMBER (J)