

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 1443/1997

Date of Order : 09.07.2003.

Present : Hon'ble Mr. B.P. Singh, Administrative Member

Hon'ble Mr. N. Prusty, Judicial Member

SUMITA DAS

-VS-

UNION OF INDIA & OTHERS

For the applicant : Mr. H.L. Das, Counsel

For the respondents : Mrs. U. Sanyal, Counsel

O R D E R

In pursuance of our order dated 03.02.2003 Affidavit has been filed by the respondent authorities today with copy to the other side. From the Affidavit it is clear that the deceased employee made nomination in respect of his Provident Fund. So far as the other payments are concerned a Succession Certificate has been produced alongwith the said Affidavit which has been issued by the District Delegate, South 24 Pgs, Alipore on 2.8.1995 by which Mr. H.L. Das who is the father of the applicant in this case (brother of the deceased employee) has been declared as successor of late Narendra Lal Das for the following 5 items:-

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- (I) Deposit Link Insurance Scheme
- (II) Final Payment of G. P. F.
- (III) Leave Encashment
- (IV) Group Insurance
- (V) Gratuity

It is mentioned therein that the total amount on the aforesaid items is required to be paid to Sri H.L. Das (ld. counsel for the applicant in this case) with accrued interest thereon.

2. It is stated in the Affidavit filed by the respondents that the amount on the CGEIS, G. P. F., D.L.I., Leave Encashment etc., have been sanctioned in the month of Nov., 1994, Jan., 1994, Jan., 1994 and Oct., 1993 respectively and Sri H.L. Das has been sent the intimation in this regard vide letter dated 24.11.1997 and the letter dated 3.12.97 by registered post with A/D, but ~~the~~ Sri Das did not turn up to take the payment.

3. Mr. H.L. Das who is also the ld. counsel for the applicant in this case, submits before us that he did not receive the above communications so far.

4. We asked the ld. counsel for the respondents whether she could produce any proof regarding delivery of the aforesaid letters to the applicant's counsel/successor or the deceased. Ld. counsel for the respondents submits that no such record is available with her at this stage. However, she submits ~~to~~ that the department is ready to make payment of the aforesaid four items namely CGEIS, GPF, DLI and Leave Encashment to Mr. H.L. Das if he is ready to take the payment as per direction of the Court.

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5. In view of the above, we hereby direct the respondent authorities specially respondent no. 3, Shri K. Keshavan, the Chief Engineer (EL), Eastern Zone, CPWD, Nizam Palace, Cal-20 to come with the cheques in respect of the above four items namely CGEIS, GPF, DLI, Leave Encashment alongwith the upto date interest in favour of Mr. H.L. Das before the Court on the next date for payment. Regarding finalisation of family pension and DCRG of the deceased employee ~~if~~ it has been stated in the Affidavit that the matter has been sent to the Pay and Accounts Officer (EZ), CPWD, Kolkata vide letter dated 23.12.1997 and reply is still awaited. We further direct Shri K. Keshavan, the Chief Engineer (EL), Eastern Zone, C. P. W. D., Nizam palace to come to the Court with the details about finalisation of Family Pension and DCRG of the deceased employee on the next date. If the same has been settled according to rules, he is directed to come to the Court alongwith the cheques of the amount, if any, alongwith interest accrued thereon so that this matter can also be decided on the next date. Let the matter be listed on 22.09.2003 for further orders.

6. Plain copy of this order be handed over to the 1d. counsel for both sides.



MEMBER (J)



MEMBER (A)