

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
OA 236 OF 1997

Present : Hon'ble Mr. N. D. Dayal, Member (A)

Hon'ble Mr. K.B.S.Rajan, Member (J)

Biprotosh Basu,
S/o Late Bhabatosh Basu,
R/o Industrial Housing Estate,
Block-12, Room 4, 9, B.T. Road,
Belghoria, Calcutta-56

VS

1. Union of India through the Secretary,
Dept. Of Telecommunication, New Delhi
2. Chief General Manager,
Dept. Of Telecommunication,
Calcutta Telephones, Telephone Bhawan,
Calcutta-1
3. The Assistant Engineer,
Dept. Telecommunication,
O/o Chief General Manager, Calcutta Telephones,
8, Bentick Street, Calcutta-1
4. Miss. Sibani Guha Thakurata,
17, Monmatha Dutta Road,
Belgachia, Tala Park, Calcutta-37

... Respondents

For the applicant : None

For the respondents : Mr. S. Chowdhury, Counsel

Heard on : 13.6.05 : Order on : 16.6.05

ORDER

Per K.B.S. Rajan, JM :

Two claimants (respectively the step son and the sister of the deceased government servant) both with succession certificates obtained from the Competent court



of Law are the parties here(respectively the applicant and respondent No. 6) and they stake their claim on the terminal benefits of the deceased employee.

2. Mrs. Jyotsna Bose III, Ex T.S.O. (Staff No. 583) employed in the Calcutta Telephones, expired on 18-7-1987.

3. The sister of the deceased was the nominee in respect of certain items of the terminal benefit and she was also enlisted as a family member by the deceased government servant.

4. When the said sister (Respondent No. 6) approached the official respondents for release of the terminal benefits accrued to the deceased employee to her, she was advised to produce necessary succession certificate. After receipt of the succession certificate, issued by District Delegate, 24 Pargana, Alipur, the official respondents took due care in obtaining the legal opinion of the Ministry of Law, who had, by a detailed reasoned communication advised the official respondents for disbursement of the payment to the said respondent. Thus, the following amounts were paid to the said Respondent No. 6:-

| | |
|------------------------|-------------|
| (a) DCRG | Rs 60,693/- |
| (b) CGEIS | Rs 21,268/- |
| (c) Pay & Allces | Rs 1,333/- |
| (d) Leave Encashment | Rs 6,307/- |
| (e) PLB Bonus(87-88) | Rs 727/- |
| (f) Arrears of CCA/HRA | 447/- |

Total: Rs 90,775/-

5. The only amount left to be disbursed was GP Fund credit balance to the tune of Rs 6,700/- and before disbursement of the same, the applicant herein staked his claim for the entire amount including the disbursed amount and on his part he had produced a succession certificate from the District Judge, North 24 Pargana, Barasat, the official respondents withheld the payment of the said P.F. Credit to either of them and this OA is filed at this stage.



6. Though respondent No. 6 was impleaded as respondent and notice issued, there was no response from her.

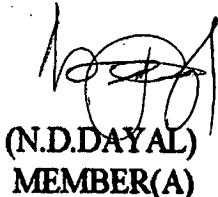
7. This issue involved is as to who is entitled to receive the dues in respect of the deceased Govt. employee, and for this purpose, the two claimants have with them respective succession certificate. Thus the issue now is as to which of the two succession certificates is to be acted upon. This is a matter to be decided by the Civil Court of Competent Jurisdiction and not for the Tribunal.

8. In view of the above, the OA is disposed of, without expressing any opinion on merit of the matter, with the observation that the parties may take up the matter with the civil court of competent jurisdiction for adjudication as to which of the two succession certificates in the possession of the parties has to be acted upon.

9. No order as to cost.



(K.B.S. RAJAN)
MEMBER(J)



(N.D.DAYAL)
MEMBER(A)