

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 370 of 1997.

present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Smt. Purna Bai Pasi,
W/o- Lt, Ram Karan Pasi,
Ex-Trimmer, Ticket No. 32265 in
Shop No. 32. Under Dy. D.M.E (Carriage),
S.E. Rly Workshop, Kharagpur.

... Applicant.

Vrs.

1. Union of India,
through the General Manager,
SE Rly, Cal-43.
2. C.P.O, S.E. Rly,
Calcutta- 43.
3. Workshop Personnel Officer,
SE Rly Workshop, Kharagpur-xx
4. C.P.M. , S.E. Railway,
Workshop, Kharagpur 721301.
5. Dy. F.A. & C.A.O, S.E. Rly,
Kharagpur, Midnapore.
6. Smt. Budhana, Dependent widow mother
of Lt, Ram Karan Pasi, at Bara Ayma,
Nimpura, Midnapore.

... Respondents.

For applicant : Mr. P.C. Maity, Counsel.

For respondents : Ms. B. Ray, Counsel.

Heard on : 5.2.98.

Ordered on : 5.2.98.

ORDER

B.C. Sarma, AM.

1. The dispute raised in this petition is about the non-payment of Group Insurance money amounting to Rs. 22,084/- and D.C.R.G money amounting to Rs. 11,640/- to the applicant, who is the widow wife of the deceased railway employee. The applicant contends that her husband died some time in the year 1989 and when she had approached the railway authorities to get payment of the benefits on account of

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the service rendered by her deceased husband. The railway authorities explained to her to obtain Succession Certificate from a competent Court of law. The applicant ~~had~~ had obtained Succession Certificate from the District Delegate, Midnapore by Order No. 37 dated 22.12.1994, as set out at Annexure 'A-2 Collectively' in the petition. (at page 15 to 39). Thereafter, she had approached the authorities for settlement of dues. The applicant now contends that she ~~has~~ yet to receive the Group Insurance money as well as D.C.R.G money as stated above.

2. When admission hearing of the matter was taken up today, Mrs. Ray, 1d. Counsel for the respondents submits that the applicant had unauthorisedly occupied a railway quarter. However, Mr. Maity 1d. Counsel for the applicant submitted that the quarter was vacated on 7.7.1996. Mrs. Ray prays for time to file reply. Since the issue is very simple in the matter, we are of the view that no reply is necessary in this case and the application can be disposed of at this stage.

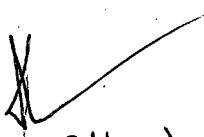
3. We have perused the contents of the petition after hearing the submission made by the 1d. Counsel for both the parties. We find that the applicant, as per submission of the 1d. Counsel for both the parties, was in unauthorised occupation of a railway quarter till 7.7.1996, on which date she had vacated the quarter. Mr. Maity submits that the quarter was in a ~~ramshackle~~ condition and since no other employee was occupying the quarter, the applicant was in possession. We are not impressed by this contention since the applicant has no right to retain the quarter without any allotment order ^{and} to occupy even a ~~ramshackle~~ quarter which belongs to the railways. We are, therefore, of the view that she was in unauthorised occupation of the railway quarter till July '96. But, at the same time, after vacation of the railway quarter, we note that the respondents should have made her the payment, which has not been done. We are, therefore, of the opinion that the applicant is not only entitled to receive payment as stated by her but also

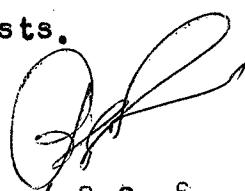
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interest thereon from the date immediately following the expiry of 3(three) months from 7.7.1996 i.e. from 8.10.1996.

4. In view of the above position, the application is disposed of with the direction that within a period of 3(three) months from the date of communication of this order, the respondents shall make payment of D.C.R.G money as well as the G.I.S. money to the applicant after making necessary adjustment, if necessary for the unauthorised occupation of the railway quarter and on the balance amount. the respondents railway shall pay interest to the applicant at the rate of 10%(ten percent) per annum from 8.10.1996 till the ~~XXXXXX~~ date of payment. The applicant is directed to complete the formalities in this regard. No order is passed as regards costs.


(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)

P/K/C.