

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 1 of 1997.

Monday this the 4th day of August 1997.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. Kuppammal T.,
W/o R. Palaniappan,
Sanitary Cleaner (J/MD. 797)
Health Inspector's Office,
Southern Railway, Podanur,
Coimbatore, Tamil Nadu.
2. Madhu P.,
D/o R. Palaniappan,
C/o N. Raman,
Door No. 172, Lottery Shop,
Main Road, Podanur,
Coimbatore, Tamil Nadu-641 023. .. Applicants

(By Advocate Shri B. Gopakumar)

Vs.

1. Union of India, represented by the
General Manager, Southern Railway,
Madras-3.
2. The Divisional Railway Manager,
Southern Railway, Palakkad-Kerala.
3. Divisional Personnel Officer,
Southern Railway, Palakkad-Kerala.
4. Arayee, Door No.9, Street No.I, C.M.C.
Colony, Kamarajapuram Street,
R.S. Puram, P.O, Coimbatore-2. .. Respondents

(By Advocate Shri P.A. Mohammed. (for R.1 to 3)

(By Advocate Shri Vigneswaran Pillai (for R-4)

The application having been heard on 4th day of August,
1997, the Tribunal on the same day delivered the following

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This is the second round of litigation between the
applicants and respondents in regard to the entitlement of the
terminal benefits of a deceased employee viz., R. Palaniappan.

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2. R. Palaniappan who was working as Shunting Jamadar in Southern Railway died on 8.8.93. Regarding the terminal benefits there were rival claimants. First applicant claims to be the widow and the second, the daughter of Palaniappan whereas the 4th respondent also claims to be the widow of Palaniappan. Apprehending that the gratuity and other terminal benefits due to the family would be disbursed by the Railway Administration to the 4th respondent, the applicant filed O.A. 2025/93. The said application was disposed of with the following directions:

"3.....When there is a controversy, there must be a fact adjudication.

4. That adjudication must be made by the Railways. They may do so with reference to the records maintained by them, and on the basis of other material which may be produced before them by the parties, Railways shall determine the dispute after issuing notice to the rival claimants, and affording them a reasonable opportunity to substantiate their respective cases. This will be done within four months from today."

3. Pursuant to the above directions the competent authority in the Railways considered the rival claims and being not fully convinced as to who would be the real claimant, directed the applicant as also the 4th respondent to produce Succession Certificate. The applicant did not produce any Succession Certificate whereas 4th respondent produced a Succession Certificate. On receipt of the Succession Certificate the Railway Administration informed the applicant that the 4th respondent had produced Succession Certificate, and gave the applicant another opportunity to produce the Succession Certificate by filing necessary application impleading 4th respondent, inter alia stating that if such a certificate was not produced within a period of three months the Railway Administration would disburse the terminal benefits to 4th respondent who had produced a Succession Certificate. In

response to this the applicants caused a lawyer notice issued to the official respondents requesting that the terminal benefits might not be disbursed to the respondent No.4 and seeking some more time to produce Succession Certificate. As the applicants have not produced any certificate, the Railway Administration disbursed the terminal benefits to 4th respondent. It was under these circumstances, that the applicants have filed this O.A. for the following reliefs:

- i) to declare that the amounts if any given to the 4th respondent as the Retirement benefits and Family pension due to the service of the aforesaid deceased employee R. Palaniappan, Shunting Jamadar, Southern Railway, Coimbatore, who died in harness on 8.8.93, is illegal and void.
- ii) to quash the decision if any taken by the Railways to give the Retirement benefits and family pension due for the service of deceased employee R. Palaniappan due to the applicants, in favour of the 4th respondent as illegal and void.
- iii) to direct that the entire amounts due towards Retirement and Family pension as service benefits due to the applicants as wife and child of deceased employee R. Palaniappan, be given to the applicants forthwith with interest at market rate; apart from giving employment assistance to the 2nd applicant who was the sole dependent of the deceased being the only legitimate child of the above mentioned deceased employee R. Palaniappan.
- iv) To issue such other orders or directions to this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

4. Respondents in their reply statement contend that it was after a fact adjudication as directed by the Tribunal in O.A. 2025/93 and on 4th respondent producing a Succession Certificate issued by Principal Subordinate Judge's Court of Coimbatore and being satisfied on the basis of the Succession Certificate and other materials available with the respondents that the 4th respondent was the widow and legal heir of deceased R. Palaniappan that the terminal benefits were disbursed to the 4th respondent. They have clearly stated that the applicants were given sufficient opportunity to

produce evidence to prove their status as widow and daughter of Palaniappan and produce Succession Certificate, which they failed to do.

5. When the matter came up for hearing learned counsel for applicants stated that the applicants are not aware as to whether the certificate alleged to have been produced by 4th respondent was actually produced and whether the same was issued by a competent court. The official respondents were, therefore, directed to produce a copy of the succession certificate on the basis of ^{which} the terminal benefits ~~which~~ were dispensed to 4th respondent. The respondents have produced the copy of the Succession Certificate issued by Principal Subordinate Judge of Coimbatore in the name of 4th respondent empowering her to collect the terminal benefits and family pension on the death of R. Palaniappan.

6. On a careful scrutiny of the pleadings and materials on record and the copy of Succession Certificate issued by the Principal Subordinate Judge, Coimbatore, we are of the considered view that the action on the part of the respondents 1 to 3 in disbursing the terminal benefits owing to the demise of R. Palaniappan to the 4th respondent cannot be faulted at all.

7. Learned counsel for the applicants argued that as the 4th respondent had not impleaded the applicants in the O.P. 275/94 on the files of the Principal Subordinate Judges' Court, Coimbatore, the Succession Certificate is not binding on the applicants. We are unable to accept this argument. A Succession Certificate issued by a competent court is binding on all. It is different that a decree passed in a Civil Suit which is binding generally only on the parties. The applicants if they had any claim should have put forth the same before the Subordinate Court or taken steps for

annulment of the Succession Certificate by approaching the higher court. Nothing of that sort having been done, they have no right to find fault with the respondents 1 to 3 for having disbursed the terminal benefits on the basis of the Succession Certificate.

8. In the light of what is stated above, we do not find any merits in this application and therefore, we dismiss the same leaving the parties to bear their costs.

Dated the 4th August, 1997.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



AV HARIDASAN
VICE CHAIRMAN

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