

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.504 of 1994

Wednesday, this the 4th day of January, 1995.

CORAM

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

1. Rugmini, D/o Late Nadikutty, (Nanukutty), Parayankuzhiyil, Thazhekkad Village, Mukundapuram Taluk, Trichur District.
2. Thankamma, D/o Late Nadikutty, (Nanukutty), Parayankuzhiyil, Thazhekkad Village, Mukundapuram Taluk, Trichur District.
3. Ambikakumari, D/o Late Nadikutty, (Nanukutty), Parayankuzhiyil, Thazhekkad Village, Mukundapuram Taluk, Trichur District. ....Applicants

By Advocate Mr TG Rajendran.

Vs.

1. Senior Divisional Personnel Officer, Southern Railway, Palghat.
2. Divisional Manager, Southern Railway, Palghat.
3. Divisional Accounts Officer, Southern Railway, Palghat.
4. General Manager, Southern Railway, Madras. ....Respondents.

By Advocate Mr George Joseph.

O R D E R

P.SURYAPRAKASAM, JUDICIAL MEMBER

The applicants' father Shri Nadikutty was a Luggage Porter at Alwaye Railway Station. He retired from service on 30.6.61 and died on 14.8.77. Thereafter, his wife claimed family pension and when the matter was being scrutinised by the authorities she also died on 13.6.87. The department also sanctioned a sum of Rs. 29,126/- as the arrears that to be paid to the mother of the applicants viz., Ammalu Amma. The applicants who are said to be the

daughters of the said Ammalu Amma claimed the amount legal by producing the heirship certificate issued by the Revenue Department. It seems that there is no other claimant also in respect of the said claim. However, the department took the stand that the amount will be disbursed only after the succession certificate being produced to the satisfaction of the authorities.

Applicants have made representations A-4 and A-5 dated 15.12.92 and 17.3.93, to the authorities asking for the disbursement of the said amount of arrears sanctioned to their mother Ammalu Amma, early. Since no reply has been sent by the department, applicant approached this Tribunal under the present O.A. In the reply statement filed by the department it is specifically stated that in terms of Railway Board's letter No. F(E)III/83/PNI/25 dated 3.9.94 the applicants are required to produce a succession certificate from a competent court of law.

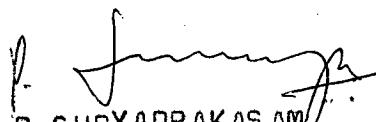
2. Counsel for applicant also accepted the position and stated that steps have already been taken to obtain the certificate from the competent Court for the purpose of claiming the amount. As soon as the succession certificate is obtained by the applicant, the same may be produced before the authorities and on receipt of the said succession certificate from the applicants the department is to dispose of the representations A4 and A5 receipt of within 15 days from the date of said certificates.

3. However, the applicants' counsel at the later stage mentioned that because the amount is very small, the

legal heirships certificate itself should be acted upon for the disbursement of the amount to the applicants without insisting on the production of succession certificate. Considering the long delay in disposing of the representations made by the applicants under A4 and A5, this position may also be considered by the department and if it is feasible (after obtaining the said certificate from the applicants), on the basis of the legal heirship certificate whether the amount could be disbursed.

4. With these observations the application is disposed of. No costs.

Wednesday this the 4th day of January, 1995.

  
P. SURYAPRAKASH AM  
JUDICIAL MEMBER

rv41.

List of Annexures

1. Annexure-IV: True copy of the representation submitted by the 2nd applicant before the 2nd respondent dt.15.12.92.
2. Annexure-V : True copy of the representation submitted by the applicants before the 2nd respondent dt.17.3.93.