

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.608/2001

Thursday this the 20th day of December, 2001.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Smt. Rugmini K.V.,
W/o. (Late) Sri C.V.Haridas,
Chalakkal House, Kadambode P.O.,
Trichur-680 584. .. Applicant

(By Advocate Ms. P.K.Nandini)

vs.

1. Union of India, represented by
General Manager, Southern Railway,
Chennai-3.
2. Senior Divisional Personnel Officer,
(Settlement), Southern Railways,
Trivandrum. .. Respondents

(By Advocate Sri K.Karthikeya Panicker)

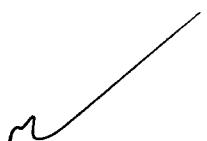
The Application having been heard on 26.11.2001, the
Tribunal 20.12.2001 delivered the following:

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant's husband C.V.Haridas while working as Mail Driver in Ernakulam Division of the Southern Railway died on 18.2.1999. Sri Haridas was survived by the applicant his widow and 2 sons as also his old mother. The applicant, the widow was entitled to receive the DCRG and other terminal benefits as also family pension as nominee. The applicant therefore requested the second respondent by a letter dated 28.2.1999 to supply her the prescribed forms to enable her to prefer claims for DCRG, GPF, insurance and pension etc. (Annexure A1). As there was no response immediately the applicant on 5.5.99 made a representation. The applicant received a letter from the second respondent

dated 21.6.99(Annexure A3) addressed to her as also to one Smt. K.V.Chandrika,calling upon them to produce Succession Certificate from the competent Court of Law duly impleading each other and the Railway Administration for taking further action in finalising the settlement dues. The applicant immediately wrote back to the second respondent a letter dated 3.7.99 protesting against the action of the respondents in bringing in another woman since as per the service records available with the respondents from 1973 onwards, the applicant's name alone existed as the wife of Haridas, and as late Haridas had nominated the applicant for the purpose of receiving gratuity and other service benefits. Though the said Chandrika filed O.S.No.406/99 before the Munsiff Court,Wadakkancherry for a prohibitory injunction against the Railways from disbursing the pensionary benefits to the applicant, the Court did not pass any prohibitory injunction and the plaint was returned to be presented before the Family Court, Trichur. The applicant obtained a heirship certificate from the Tahsildar, Talapilly showing that the legal heirs of deceased Haridas Chalakkal, were Rugmini,the applicant, Lal and Lash, his sons and Lakshmi, his mother. The applicant also produced a copy of the proceedings of the Tahsildar under which the heirship certificate was granted and requested the Railway Administation to disburse the terminal benefits and also to grant the family pension. However, the Railway Administation did not settle the claim. Therefore the



applicant has filed this application for a direction to the respondents to grant and disburse the DCRG, GPF, Insurance, family pension and other service benefits of late Haridas to the applicant and to pay interest at 18% per annum on the dues for the belated payment.

2. The second respondent has filed reply statement on behalf of the respondents in which it is contended that since a lawyer notice was received by the Railway Administration from one Chandrika claiming that Chandrika was legally wedded wife of late Haridas and that she had children in the wed-lock the Railway Administration could not honour the request of the applicant for grant of service benefits without production of a succession certificate. However the respondents in the reply statement have indicated that in the service records of the employee, family composition of the employee was shown as the applicant as the legally wedded wife and her 2 major sons only.

3. We have gone through the pleadings and materials on record and have heard Smt.P.K.Nandini, the learned counsel of the applicant and Sri K.Karthikeya Panicker, ACGSC for the respondents.

4. The claim in this O.A. is for disbursement of DCRG, GPF, family pension and other service benefits of late C.V.Haridas to the applicant. The respondents do not dispute the fact that the applicant is the legally wedded

A handwritten signature consisting of a stylized 'M' and a diagonal line.

wife of late C.V.Haridas. They also admit that as per the records available with the Railways, in the family composition of deceased C.V.Haridas the name of the applicant alone was shown as the legally wedded wife. Just because a lawyer notice was received by the Railway Administration from one Chandrika that she was legally wedded wife of C.V.Haridas, instead of calling upon the Advocate who issued the notice or Smt.Chandrika to produce evidence to show that there was any basis for the claim , the Railway Administration refused to settle the claim of the applicant who admittedly is the legally wedded wife of C.V.Haridas. The allegation in the application that the applicant was nominated by deceased Haridas to receive DCRG,GPF and other service benefits has not been disputed by the respondents. The Tahsildar,Talappilly the competent authority to issue heirship certificate has issued Annexure A5 certificate which shows that the applicant, her 2 sons and Lakshmi the mother of deceased Haridas are the only legal heirs of late Haridas. Annexure A5(a) the proceedings of the Tahsildar under which the Annexure A5 heirship certificate was issued clearly shows that before issuing the certificate a notification was issued in the Gazette, the rival claims of Chandrika was heard and that the order to issue heirship certificate was made being convinced that Chandrika was not the legally wedded wife of late Haridas and that the applicant was really the legally wedded wife. In the light of the fact that there was only a vague claim on behalf of a lady that she was the wife of late Haridas while there is overwhelming record in the possession of the

AN

Railways to show that the applicant was the legally wedded wife and nominee for receipt of DCRG, family pension etc., the action on the part of the respondents in not settling the claim of the applicant is highly unjustified. There is no provision in the Railway Services Pension Rules which calls for production of succession certificate for receiving DCRG and family pension. The respondents therefore were not justified in not disbursing the DCRG, GPF, insurance, family pension etc. to the applicant who is the nominee of deceased Haridas. Since the non-disbursement of the terminal benefits to the applicant despite the fact that the applicant was the nominee nominated by late Haridas is undoubtedly a lapse on the part of the Railway Administration. However we are of the considered view that interest at 18% per annum as claimed cannot be ordered in the circumstances of the case. We are of the view that the interest of justice would be met if the respondents are directed to pay interest at the rate admissible as per rules for the belated payment.

5. In the light of what is stated above, the application is disposed of directing the respondents to disburse to the applicant the widow and nominee of late Haridas the DCRG, GPF, insurance, family pension and other service benefits due on the death of Haridas after obtaining the necessary forms duly filled and signed by the applicant. The necessary forms should be supplied to the applicant within 3 weeks from the date of receipt of this order and



the claim should be finally settled and payments made within 3 months thereafter. On the belated payment of DCRG, the respondents shall pay to the applicant interest at 6% per annum from the due date till the date of payment. There is no order as to costs.

Quinn

(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

A.V.HARIDASAN
VICE CHAIRMAN

/njj/

A P P E N D I X

Applicant's Annexures:

1. Annexure A1 : True copy of the letter issued by the applicant to the 2nd respondent dated 28.2.1999.
2. Annexure A2 : True copy of the representation submitted by the applicant to the 2nd respondent dated 5.5.1999.
3. Annexure A3 : True copy of the communication issued by the 2nd respondent to the applicant dated 21.6.1999.
4. Annexure A4 : True copy of the reply given by the applicant dated 3.7.1999.
5. Annexure A5 : True copy of the Heirship Certificate issued by the Tahsildar and the Proceedings dated 30.12.99.
6. Annexure A5(a)True translation of Annexure A5.

Respondents' Annexures : N i l

.....