

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 9/2002

Wednesday, this the 20th February, 2002.

CORAM :

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

Smt. Padmini S. Panicker,
W/o late T.R. Surendra Panicker,
Kadappayil Veedu,
Puthukkadu (Post),
Via. Mukundapuram, Chavara,
Kollam, Kerala.

..... Applicant

(By Advocate Mr. S.R. Manoj)

Vs.

1. Divisional Regional Manager (DRM),
Western Railway,
Bombay Central.

2. Union of India, rep. by Secretary to
Government, Ministry of Railway,
New Delhi.

Respondents

(By Mr. Thomas Mathew Nellimootttil, Advocate)

The application having been heard on 20-2-2002, the Tribunal on the same day delivered the following :

ORDER

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

The applicant is the widow of late T.R.Surendra Panicker, who retired from service on 18.1.1994. Apart from Rs.6848/- paid to her, nothing by way of terminal benefits as also pension has been given to the applicant. On the representation of the applicant, she was asked to produce marriage certificate, ration card, document in proof of marriage to deceased, succession certificate and original death certificate of the deceased, informing that one Vijayalekshmi has claimed the dues as a wife of the late Surendra Panicker. The applicant produced all the documents excepting succession certificate and requested for the disbursement of the terminal benefits. The respondents insisted on the applicant producing the succession certificate. Therefore

the applicant has filed this application for a direction to respondents to immediately make available to the applicant the amounts due to the legal heirs of the deceased employee Shri Surendra Panicker forthwith with penal interest to be specified by this Hon'ble Court from the date the same became payable.

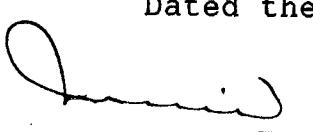
2. - The respondents in the reply statement have stated that respondents have no objection for making payment of the retirement dues to the legal heirs of the late Surendra Panicker, but still insisted on production of succession certificate. The applicant has produced a certificate of marriage between her and late Surendra Panicker, a certificate dated 9.12.1997 from the Village Officer to the effect that after the death of Surendra Panicker, the applicant has not re-married, A4 certificate issued by Tahsildar, Karunagapally, certifying that the applicant Padmini, her sons Sujith, Sunith, Prajith, Subhadra Amma, the mother of late Surendra Panicker are the only legal heirs of late Surendra Panicker, who are entitled to receive the terminal benefits, after making a Gazette notification and an enquiry as per rules.

3. The respondents refuse to disburse the terminal benefits to the legal heirs of the deceased Surendra Panicker just for the reason that one Vijayalekshmi has preferred a claim. There is no case for the respondents that Surendra panicker had during his life time nominated Vijayalekshmi to receive the D.C.R.G. or any other benefits. Further it must have been on the nomination that PF was disbursed to the applicant. The terminal dues on account of the death of Surendra Panicker should have been disbursed to the legal heirs, once the legal heirship Annexure A4 issued by the competent authority was produced by the applicant before the respondents. There is no provision in the Railway Service

Pension Rules which require production of succession certificate for disbursement of terminal benefits of a deceased employee to his legal heirs.

4. In the light of what is stated above, we dispose of this application directing the respondents to disburse the terminal benefits of late Surendra Panicker to legal heirs of late Surendra Panicker as mentioned in Annexure A4 Heirship Certificate and to authorise payment of family pension as early as possible within a period of two months from the date of receipt of a copy of this order. Respondents should pay interest on DCRG and payment of pension made belatedly at the rate of 6% per annum from the due date of payment. No order as to costs.

Dated the 20th February, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

oph APPENDIX

Applicant's Annexures:

1. A-1: True copy of the Marriage Certificate dtd.3.9.1980.
2. A-2: True copy of the Death Certificate of Applicant's husband dtd.9.12.1997.
3. A-3: True copy of the Communication dtd.20.7.1999 of the 1st respondent.
4. A-4: True copy of heirship Certificate dtd.12.10.2000.
5. A-4(a): True copy of the English Translation of Annexure A-4.
6. A-5: True copy of the representation submitted by the applicant to the 1st respondent dt.10.1.2001.
7. A-6: True copy of the Lawyer Notice dtd.5.6.2001.

Respondents' Annexures:

1. R-1: True copy of letter No.E/ELT/789/7/98/21272 dated 31.1.2002 issued by the 1st respondent to the applicant.
2. R-2: True copy of letter No.E/ELT/789/7/98/21272 dated 31.1.2002 issued by 1st respondent to Smt.Vijayalakshmi S.Panicker.

npp
25-2-02