

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.128/2007

Wednesday this the 11<sup>th</sup> day of July, 2007

CORAM

**HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

Ansarbibi, aged 54 years,  
D/o late Piyarijan,  
39, Gounder Lane,  
40-Main Road, Podannur,  
Coimbatore.

....Applicant

(By Advocate Mr. P.Ramakrishnan)

V.

- 1 The General Manager,  
Southern Railway, Headquarters  
Chennai.
- 2 The Senior Divisional Personnel Officer,  
Southern Railway,  
Divisional Office, Palghat.
- 3 The Divisional Accounts Officer,  
Southern Railway, Palghat.

....Respondents

(By Advocate Mr. Thomas Mathew Nellimootil)

This application having been finally heard on 11.7.2007, the Tribunal on the same day delivered the following:

**ORDER**

**Hon'ble Mr. George Paracken, Judicial Member**

The applicant in this OA claims herself to be the adopted daughter of late Smt. Piyarijan who was a Waiting Room Attendant at Mettupalayam Railway Station of Southern Railway died while in service on 10.1.2001. According to her, she was the nominee of late Smt. Piyarijan for receiving the Gratuity, Provident Fund and other terminal benefits. She

has also submitted that she had received the Provident Fund dues as well as the dues from the Southern Railway Employees Cooperative Credit Society Limited payable in favour of late Smt.Piyarijan. Her grievance is that the respondents have not released the gratuity and family pension to her.

2           According to the reply statement filed by the respondents, the claim of the applicant that she was the adopted daughter of late Smt. Piyarijan was not valid. Late Smt. Piyarijan being a Muslim lady, there was no valid adoption under the Muslim Personal Laws. The applicant had only produced an adoption certificate issued by the Tahsildar, Coimbatore (Annexure.A1) who was not competent to issue such certificates. Since the applicant was not treated as the legal heir or nominee of late Smt.Piyarijan, she was not considered eligible to receive the terminal benefits of the deceased. However, since there was a valid nomination in favour of the applicant to receive the Provident Fund dues and GIC amount, the respondents have disbursed Rs. 17201/- towards Provident Found dues and Rs. 16369/- towards GIS +saving fund amount to the applicant. Her request for disbursement of DCRG was rejected as late Smt. Piyarijan has never nominated anyone to receive the amount payable on that account. As the applicant is not the legal heir of the deceased Smt.Piyarijan, she was also not entitled to receive any family pension. Moreover, according to the rules, family pension is payable to the dependent children of the deceased employees only upto the age of 25 years and that the applicant had already attained the age of 37 years at the time of death of Smt.Piyarijan.

3           I have heard Shri P.Ramakrishnan for the applicant and

Mr. Thomas Mathew Nellimootil for the respondents. I fully agree with the decision of the respondents in this matter. The applicant is obviously not the legal heir of late Smt. Piyarijan who died while in service. Since there was a valid nomination in favour of the applicant by the deceased for receipt of dues on account of Provident Fund and GIS + Saving Fund, the amount accrued in those accounts were duly paid to her. Since there was no nomination for payment of DCRG and the applicant has not been declared as the legal heir of the late Smt. Piyarijan, the respondents have rightly denied the dues payable to the applicant on that account. For the same reason, the applicant is also not entitled for any family pension.

4 In the above facts and circumstances of the case, I find that this OA is devoid of any merit and the same is, therefore, dismissed. No order as to costs.

Dated this the 11<sup>th</sup> day of July, 2007

  
**GEORGE PARACKEN**  
**JUDICIAL MEMBER**