

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO. 273 OF 1998

Tuesday, this the 25th day of August, 1998.

C O R A M :

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

HON'BLE SHRI P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.Lakshmi Kutty Amma
W/o A.Kutty Krishnan Nair
Kuttukandy Thazhath House
Eranjikkal P.O.
Mukavoor, Kozhikode .. Applicant

(By Advocate Mr.K.Ramakumar)

Vs.

1. The General Manager
Southern Railway
Madras(Chennai)
2. The Divisional Personnel Officer
Trivandrum Division
Southern Railway
Trivandrum .. Respondents

(By Advocate Mr.K.V.Sachidanandan)

The application having been heard on 25.8.1998, the
Tribunal on the same day delivered the following :

O R D E R

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

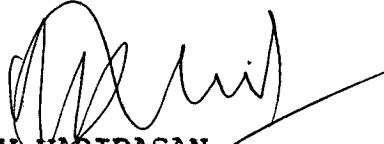
The applicant, who is the mother of deceased
P.Aravindakshan, has filed this application for a direction
to the respondents to grant her the death-cum-retirement
gratuity following the death of her son Aravindakshan with
interest at the rate of 21 % per annum with effect from
31.12.1996. The claim of the applicant is resisted on the
ground that the death-cum-retirement benefits on the death
of P.Aravindakshan has been paid to his legally wedded widow

Sreeja and therefore the applicant is not entitled. According to the provisions contained in Rules 70 to 74 of the Railway Service (Pension) Rules, 1993, only in the absence of persons mentioned in Clause 1 to 4 of Rule 70(5), persons belonging to other clauses 5 to 7 including the mother would be entitled to receive the gratuity. In this case as the widow of the deceased is alive and his DCRG has been paid to her, we do not find any basis for the applicant's claim. The application is dismissed. No cots.

Dated, the 25th August, 1998.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


A.V. HARIDASAN

VICE CHAIRMAN

vs258