

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.40/2007
This the 07th day of February 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Shri Lenneth Moses aged about 47 years S/o Late Samuel John Moses R/o L.D. 25 Sector F, L.D.A. Colony Kanpur Road, Lucknow.

...Applicant.

By Advocate: Shri Ravi Darshan.

Versus.

1. Union of India, through Secretary the Ministry of Civil Aviation (Railway Safety Commission) Civil Secretariat, New Delhi.
2. The Chief Commissioner of Railway Safety, Ashok Marg, Lucknow.
3. The Deputy Commissioner of Railway Safety (Operating) Ashok Marg, Lucknow.
4. The Assistant Property Manager (Sahayak Sampada Prabandhak) Central Public Work Department, Kendriya Bhawan, Aliganj, Lucknow.

... Respondents.

By Advocate: Shri N.H. Khan for R-4.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed this OA challenging the impugned order dated 18.08.2006 (Annexure-1) issued by the Respondent No.2 and also for release of retrial dues of his brother Late Vijay Moses.

2


2. The respondents have filed Counter Affidavit stating the deceased Late Vijay Moses, who stayed in CPWD Colony Quarter No. Type-I 84 in Kendranchal Colony, Aliganj, Lucknow fell due of Rs.53,423/- towards the rent arrears and as such the respondent NO.4 issued the order covered under Annexure-1 and thus, justified there claims. In respect of release of retrial dues they have stated that the applicant, who is brother of the deceased submitted Succession Certificate.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

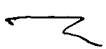
5. The admitted facts of the case are that the applicant is a brother of Late Vijay Moses, who died on 03.05.2003, while working as Watchman in the office of Respondent No.2. It is also not in dispute that at the time of his death, he was in occupation of Quarter No.84 Type-I belonging to Respondent No.4. The deceased Late Vijay Moses was bachelor and he did not nominated any body in respect of his retrial benefits in the service book. The applicant who is brother of the deceased Late Vijay Moses obtained the Succession certificate and made claim for terminal benefits of his deceased brother. The Respondent No.2 also released a part of amount and withheld the remaining amount of deceased Late Vijay Moses alleging that he fell due to Rs.53,423/- towards arrears of Quarter rent. Annexure-1 is the said letter dated 18.08.2006 issued by the Respondent No.4, which is under challenge in this OA.

6. The applicant who claimed the terminal benefits of his deceased brother challenged the impugned order covered under Annexure-1



dated 18.08.2006 under which Respondent No.4 informed the Respondent No.3 that deceased fell due to Rs.53,423/- towards arrears of quarter rent and also not issued no objection certificate. It is not the disputed fact that Late Vijay Moses was bachelor and he died on 03.05.2003 in the said quarter. There is no material on record to show either to this applicant or any other relative of the deceased Late Vijay Moses submitted any application handing over or handing over keys of the quarter to the Respondent No.4. Without any such material, it is not open to the applicant to say that after the death of his brother deceased Late Vijay Moses no body stayed in the said quarter and further mere death intimation of Late Vijay Moses to Respondent No.3 and 4 is not at all sufficient to dispute dues claimed by Respondent No.4 in his letter dated 18.08.2006. Under the above circumstances, issuances of Annexure-1 dated 18.08.2006 issued by Respondent No.4 informing Respondent No.3 respect of dues of Late Vijay Moses and also its recovery is proper and justified., as such, there are no merits in the claim of the applicant questioning the validity of Annexure-A-1 dated 18.08.2006 claiming arrears of Rs.53,423/- towards rent arrears and other charges payable by Late Vijay Moses. But on the ground of such arrears, it is not open to the respondents authorities to stop all retrial benefits except DCRG or other amount, as prescribed under rules.

7. In respect of the terminal benefits of the deceased Late Vijay Moses, the respondents also admitted that applicant submitted succession certificate and in view of such certificate, the respondent authorities are at liberty to release all the amounts payable to the deceased Late Vijay Moses to this applicant as per rules.



In the result, the claim of the applicant for quashing the validity of Annexure-A-1 dated 18.08.2008 questioning the claim of Rs. 53,423 has no merits thus he is not entitled for any relief on such ground and thus OA is disposed of with a direction to pay all the retrial benefits of deceased Late Vijay Moses to the applicant except the amount of Rs.53,423/- towards rental dues, claimed by the Respondent No.4. No costs.


(M. KANTHAIAH)
MEMBER (J)
07-02-2008

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