

O.A. No.237/2007

This, the 6th day of December 2007.

Hon'ble Mr. Justice Khem Karan, Vice Chairman

Smt. Bimla, aged about 32 years, W/oShri Rajendra Kumar, R/o L.D. 38 B (Running Shad Colony) Alambagh, Lucknow.

Applicant.

By Advocate: Shri R. B.Pandey

Versus

1. Union of India, thorough D.R.M. Northern Railway, Hazratganj, Lucknow.
2. I.O.W., Northern Railway, Charbagh, Lucknow.
3. Chief Health Inspector, Northern Railway, Charbagh, Lucknow.

Respondents.

By Advocate Shri V. K. Srivastava.

Order (Oral)

Hon'ble Mr. Justice Khem Karan, Vice Chairman

Applicant Smt. Bimal, claims herself to be adopted daughter/legatee of late Smt. Tulsia, who superannuated from the service of the respondents on 30.4.90 and subsequently died in 1996. The grievance of the applicant is that gratuity payable to her mother, was withheld by the respondents and the same could not be paid to her in her lifetime and when she, being her adopted daughter, gave application to the respondents for releasing that amount, they are keeping the matter pending with them.

2. Shri V. K. Srivastasva, appearing for the respondents, has stated that the respondents have no objection to the release of the amount of gratuity which was payable to late smt. Tulsia, if the

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applicant comes with succession certificate issued by competent civil court. He says that the requirement of succession certificate has arisen in view of the fact that the applicant is claiming to be adopted daughter and legatee of late Smt. Tulsia. The respondents have not been able to file any reply inspite of sufficient opportunity having been given to them. Though Shri Pandey attempted to say that there is no dispute about applicant being adopted daughter of late Smt. Tulsia or her being legatee of late Sm. Tulsia.

3. The Tribunal is of the view that it would be appropriate, if the O.A. is finally disposed of with a direction that in case, the applicant files succession certificate ^{or order} issued by the competent civil court, the respondents shall release the amount of gratuity which was payable to her mother late Smt. Tulsia.

4. So, the O.A. is finally disposed of with a direction that in case applicant claims the amount of gratuity by filing a succession certificate or any order issued by the competent civil court, the respondents shall release the amount to her, which was payable to late Smt. Tulsia. This shall be done within a period of two months, from the claim is so put by the applicant as provided above. No order as to costs.

Shm. w/s
06/12/07
(Khem Karan)
Vice Chairman