

JY

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 159/91

Smt. Protima Chatterjee & 3 others      Applicants.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.

The deceased Sri Hem Chandra Chatterjee, was employed in the office of Senior Accounts Officer (Stores), Northern Railway, Lucknow. He died in harness leaving behind his legal heirs and representatives. The applicant No. 1 and 2/ are sister in laws (brother's wife) and nephews (brother's sons) respectively. The deceased was a member of the Group Insurance Scheme and subscriber of the State Railway Provident Fund. During his life time, his wife had already twice divorced during the year 1962. The deceased nominated the applicant No. 1 in the office record to receive the money of Group Insurance. Applicants Nos. 2 to 4 nominated to receive the amount of State Railway Provident Fund, by the deceased. After the death of Shri Hem Chandra Chatterjee, the applicants requested the respondents for payment of the amount of Group Insurance and Provident Fund but no heed was paid. After obtaining succession certificate in their favour the applicants submitted to the respondents for making

payment to them. But even then no action was taken and it is thereafter a letter was sent to them to furnish the certified copy of the plaint on the basis of which the succession certificate was obtained and the applicant furnished the same alongwith the copy of the judgment. Even then their grievances ~~were~~ not redressed and that is why they gave a notice under section 80 C.P.C. stating therein that when the succession certificate was granted and it was submitted to the respondents, the respondents had no right to deny the benefit of the same, more so, when they had complied with the directions of the respondents and furnished all the documents.

2. The respondents have stated that applicants 2 to 4 were required to furnish succession certificate in and the applicant No. 1 was required to furnish certificate in her own name. The succession certificate was not acceptable because wife and children of deceased were not made party to the same and valid discharge could not have been given to it, as required by the Railway Board circular dated 19.9.69 which provides that "the payment of Provident Fund money in accordance with the nomination earns a valid discharge for the Government but if any Court of law decrees that payment should be made to persons other than the nominee(s) before actual payment has been made to the nominees, the orders of the court will have to be complied with." There appears to be no order by any Court of law not to make payment to the applicants.

3. The respondents are ~~also~~ bound to make payment and in case they have not made payment on the basis of succession certificate, they are directed to make the payment alongwith 10% interest within 3 months from the date of receipt of a copy of this judgment by them. No order as to costs.



Vice Chairman.

Shakeel/-

Lucknow:Dated: 2.4.93.