

OA - 297/96

1-/ 6.6.96.

Counsel for the applicant : Shri Sudama Pandey.

Heard Shri Sudama Pandey , the learned counsel for the applicant on the question of admission. Admit. Issue notices to the respondents returnable within six weeks. List this case on 18.7.96 for hearing.

N.K. Verma
(N.K. Verma)
Member (A)

Counsel for the applicant .. None

Counsel for the Respondents .. None

Shri Sudama Pandey, learned counsel for the applicant is not well. None for the Respondents. Let this case be placed before Dy. Registrar on 12.9.96 for completion of pleadings and for putting up the case for hearing as and when this will be ready.

N.K. Verma
(N.K. Verma)
Member (A)

3/12.9.96

Shri. S. P. Sinha, Dy. Registrar Incharge.

The learned counsel for the applicant is present. Respondents are unrepresented. W/s has not been filed as yet Put up on 10.10.96 for filing the W/s.

S. P. Sinha
(S. P. Sinha)
Dy. Registrar I/C

PKL

*Registrar filed
on 12/6/96*

*Notice issued
by Regd with A/D
on 24/6/96
/CBS/*

*S/R of Resp.
No. 1 to 3 received.
18/7/96*

*Vakalatnama filed
on behalf of the Resp.
No. 1 to 3 on 22/7/96
22/7/96 SKS*

4/4.11.96

Sri. M. L. Paswan, Dy. Registrar.

....

The record was put up today, it should have been put up on 10.10.96. The office is directed to list the case in due date in future.

The learned counsel for the applicant is absent. W/s has not been filed. Let 9.12.96 be fixed for filing the W/s.

PKL

(M. L. Paswan)
Dy. Registrar

5/9.12.1996

None for the parties. W/s has not been filed. Put up on 20.1.1997 for filing W/s.

MPS.

(M. L. Paswan)
Registrar I/c

6/20.1.1997

The learned counsel for the applicant is present. W/s has not been filed as yet. Put up on 4.2.1997 for filing W/s.

MPS.

(S.P.Sinha)
Dy.Registrar I/c

7/4.2.1997

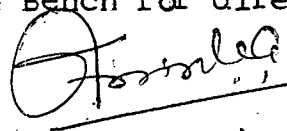
Shri S.N.Choudhary, proxy counsel for Mr. Sudama Pandey is present for the applicant. None for the respondents. W/s has not been filed. Put up on 4.3.1997 for filing W/s as a last chance.

MPS.

(S.P.Sinha)
Dy.Registrar I/c


8/4.3.1997

None for the parties. W/s has not been filed so far though sufficient time was given to the respondents. In the circumstances, let it be listed before the Hon'ble Bench for direction on 21.3.1997.


(S.P. Sinha)
Dy.Registrar I/c

MPS.

9./ 21.3.97. W/S has not been filed so far. Four weeks and no more is allowed for the same. Rejoinder, if any, may be filed within two weeks thereafter. List it on 8.5.97 for direction.


(V.N. Mehrotra)
Vice-chairman

10/08.05.97

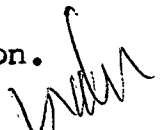
Shri S. Pandey, counsel for the applicant.

The learned counsel for the respondents prays for three weeks time to file reply. Allowed. Rejoinder may be filed within two weeks thereafter.

List on 28.07.1997 for direction.

SKJ


(K. Muthu Kumar)
Member (A)


(V.N. Mehrotra)
Vice-Chairman

11/28.07.97.

W/s not filed so far. Four weeks further time is allowed for the same. Rejoinder may be filed within two weeks thereafter.


List for direction on 10.09.1997.

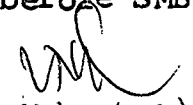

(V.N. Mehrotra)
Vice-Chairman

12/10.09.97

W/s has ~~not~~ been filed on behalf of the respondents. The learned counsel for the applicant however, states that he has not been served with a copy of the same. The learned counsel for the respondents shall serve a copy on the learned counsel for the applicant who may file rejoinder within a week as stated by the learned counsel for the applicant.

List on 16.10.1997 for hearing before SMB.


(R.K. Anooja)
Member (A)


(V.N. Mehrotra)
Vice-Chairman

SKJ

W/S on behalf of respondents filed on 18.8.97 and file attached N. Topno 20.8.97 SKJ

13/16.10.97 Shri S.Pandey, counsel for the applicant.
None for the respondents.

List on 11.11.1997 for hearing.

SKJ

(V.N.Mehrotra)
Vice-Chairman

14

11.11.97

List on 15.1.98 for hearing.

CM

(V.N. Mehrotra)
Vice-Chairman

15/15.01.98

List on 17.02.1998 for hearing. The name of
Shri P.K.Verma should not be printed as the counsel
for the respondents as he is not appearing on behalf
of the respondents in this case.

SKJ

(V.N.Mehrotra)
Vice-Chairman

16/17.02.98

None for the parties.

List on 28.04.1998 for hearing.

SKJ

(V.N.Mehrotra)
Vice-Chairman

17/28.04.98

List on 09.07.1998 for hearing.

SKJ

(V.N.Mehrotra)
Vice-Chairman

rejoinder
on behalf
of applicant
filed on
11.11.97 and
file attached
N. Torwa
13.11.97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH PATNA



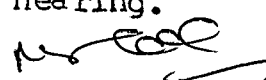
Order Sheet

..... Application No. OA-297/96 199 in.....

Applicant (s) Respondent (s)

Advocate for Applicant (s) Advocate for Respondent (s)

.....

Note of Registry	Orders of the Tribunal
18/9.7.98	<p>Shri Sudama Pandey, learned counsel for the applicant</p> <p>None for the Respondents.</p> <p>We find that Shri P.K.Saran is counsel representing the Respondents in the case, but his name is not mentioned in the list. List the case on 24th August, 1998 before a Single Member Bench with the name of Shri P.K.Saran learned counsel for the Respondents. The name of Shri P.K.Verma and Shri P. Kumar have wrongly been mentioned today in the list.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  (L.R.K. Prasad) Member (A) </div> <div style="text-align: center;">  (V.N. Mehrotra) Vice-Chairman </div> </div> <p>19/24.08.98 None for the applicant.</p> <p>Shri Anup Kumar, counsel for the respondents.</p> <p>List on 09.11.1998 for hearing.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  (L.R.K. Prasad) Member (A) </div> </div>

SKS

SKJ

20/9.11.1998

At the request made on behalf of the learned counsel for the applicant, list it for hearing on 28.12.1998.

(L.R.K. Prasad)
Member (A)

21./ 14.12.98. Shri Sudama Pandey, the counsel for the applicant.

List it on 11.1.99 for hearing within first four case in view of the urgency explained by the learned counsel for the applicant.

(L.R.K. PRASAD)
MEMBER (A)

1.1.1999

Shri Sudama Pandey, counsel for the applicant.

List it on 8.2.1999 for hearing as part-heard.

(Lakshman Jha)
Member (A)

MFS.

23/08.02.99 Shri S. Pandey, counsel for the applicant.

The learned Counsel appearing on behalf of the South Eastern Rly. is said to have expired.

There is no respondent. The case relates to family pension to deceased employee of the Railways and is to be heard for hearing as Part-Heard Case.

It be listed for hearing on 12.04.1999 with intimation to General Manager, S.E. Railway, to take necessary steps in the matter of engagement of counsel positively by next date failing which case may be heard ex-parte.

SKJ

(Lakshman Jha)
Member (J)

A> per order of
Honble Court it
to be listed
on 14.12.98
mention MFS.
in file &
[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH PATNA

Order Sheet

Application No. 199 in
Applicant (s) Respondent (s)
Advocate for Applicant (s) Advocate for Respondent (s)

Note of Registry

Orders of the Tribunal

O. A. 297/96

24/12.4.1999

Shri Sudama Pandey, counsel for the applicant.
Shri G. Chatterjee, counsel for the respondents.

Heard the learned counsel for the parties.
Arguments concluded. The learned counsel for the
respondents prays for time to seek instructions
from the department. As prayed for, three weeks
time for the same is allowed. List it for hearing
on 10.5.1999 as part heard.

(Lakshman Jha)
Member (J)

(L.R.K. Prasad)
Member

MRS.

25/10.5.99

Sh. Sudama Pandey, Counsel for the applicant.
Sh. G. Chatterjee, Counsel for the respondents.

Heard the counsel for the parties. Arguments not
concluded. List it as part heard on 1.7.99.

(Lakshman Jha)
Member-J

(L.R.K. Prasad)
Member-A

AKJ

26. 1.7.99. Since this is a part-heard matter, let it be
listed on 27.7.99 for hearing before the appropriate
Bench.

(L.R.K. PRASAD)
MEMBER (A)

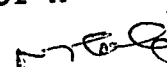
(S. NARAYAN)
VICE-CHAIRMAN


/CBS/

VAKALATNAMA
filed. And Rept
in file 11211

N. Topno

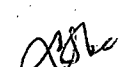
27/27.07.99 Shri S.Pandey, counsel for the applicant.
Shri G.Bose, counsel for the respondents.
Since this is a part-heard matter, let it
be listed before the appropriate Bench on 25.08.1999
for hearing.



(L.R.K. Prasad)
SKJ Member(A)


(S. Narayan)
Vice-Chairman

28/25.8.1999 Shri Sudama Pandey, counsel for the applicant.
Shri G. Chatterjee, counsel for the respondents.

On the request of the learned counsel for
the applicant, list it for hearing on 11.10.1999
as part-heard.


(Lakshman Jha)
MPS. Member (J)



(L.R.K. Prasad)
Member (A)

29/11.10.99 Sh. Sudama Pandey, counsel for the applicant.
Sh. G. Chatterjee, counsel for the respondents.

Sh. Pandey states that he will be able to get
the succession certificate for the applicant within
one month from the competent authority. He prays for
adjournment for this case. On the request made
by Sh. Pandey, list it as part-heard on 26.12.99
for hearing and passing of final order.

AKJ


(L. Jha)
MEMBER(J)


(L.R.K. PRASAD)
MEMBER(A)

O.A. 297/96

30/27.12.99 Shri Sudama Pandey, learned counsel for
the applicant.

DB is not available. List it for
hearing on 25.1.2000 as part-heard *as per*
order dt. 11.10.99,

SRK

LJha
(Lakshman Jha)
Member (J)

31
25.1.2000
CM

O.A. 297/96

Shri Sudama Pandey .. Counsel for the applicant
Shri G. Chatterjee .. Counsel for the respondents

Heard the learned counsel for the parties.

The applicant has filed this O.A. seeking following reliefs:-

- (i) The respondents be directed to arrange immediate payment of all retiral benefits with 20% interest from the date of death of the husband of the applicant till the date of payment.
- (ii) Cost of litigation.


2. This application was filed in June 1996. The applicant is stated to be widow of Late Parmeshwar Shahu, Ex-Parcel Hamal, Commercial/Tata, S.E. Railway, Tatanagar. The husband of the applicant, who was railway employee, died on 18.3.1994. Thereafter, the applicant has been sending representations to concerned authority for payment of family pension, DCRG, etc., but there was no positive response from the respondents. On the other hand, the respondents have stated that after the death of Railway servant, various application forms were filled in by the applicant. At the time of scrutiny, it revealed that the deceased Railway employee left behind two widows and five children, as per identification-cum-heirship-cum-guardianship. The applicant also submitted a deed of agreement between the two wives. It revealed that the deceased employee had filed a nomination under Group Insurance Scheme on 23.5.1983 in favour of Smt. Asha Devi, declaring the relationship as wife. As there was a doubt in the matter, the Railway Administration was unable to identify the legal heir of the deceased employee as well as the claim of the applicant. She was advised on 27.6.1995 to submit evidence obtaining permission from Railway before second marriage. On 25.5.1996, the applicant was advised to submit succession certificate. A copy of the same was also addressed to Smt. Asha Devi. It is admitted by the respondents that the widow of the deceased employee is entitled to family pension following the death of Railway employee. But such family pension and other dues can be paid when the issue regarding legal heir is decided by a Court of law.


3. In para 10 of W.S. the respondents have stated that the marriage to second wife, Asha Devi, under the eye of law, is void. It is further stated that in view of Section 5 read with section 11 of Hindu Marriage Act, 1955, the marriage is void because Asha Devi, the second wife, was married when the first wife Sona Devi was alive.

4. During the course of hearing, it is stated by the learned counsel for the respondents that the outstanding retiral benefits of the deceased Railway employee are also held up due to non-production of succession certificate. As soon as the same is provided by the applicant, the dues would be released without any delay.

5. Shri Sudama Pandey, the learned counsel for the applicant, has submitted today succession certificate (Succession Case No.11/99) issued by subordinate Judge, 1st Barh (Patna) in respect of P.F. amount of Rs.29542/-. A ^{photo} copy of the succession certificate is placed in the file.

6. We have considered the entire matter in the light of submissions made by the learned counsel for the parties and materials on record including the succession certificate. In view of the facts and circumstances of the case, as stated above, the respondents are directed to settle the pensionary dues of the deceased employee, as admissible, in accordance with law within a period of three months from the date of receipt of a copy of this order. The applicant shall file succession certificate along with the copy of this order before the concerned respondent for doing the needful. With the above direction, this O.A. is disposed of with no order as to costs.


(L. Jha)
Member (J)


(L.R.K. Prasad)
Member (A)