

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
O.A. NO. 269/2006**

Date of Order : 09.11.2011

C O R A M

HON'BLE MR. AKHIL KUMAR JAIN, MEMBER[ADMINISTRATIVE]

Amarawati Devi, W/o Late Suraj Nath Pathak, Resident of Village- Jati,
Post- Buxar, P.O.- Buxar, Distt.- Buxar (Bihar).

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Applicant.

By Advocate : - Shri M.P. Dixit

-Versus-

1. Union of India through G.M., E.C. Railway, Hazipur.
2. The General Manager (Personnel), E.C. Railway, Hazipur.
3. The Divisional Railway Manager, E.C. Railway, Danapur.
4. Sr. D.P.O., EC Railway, Danapur.
5. Sr. Divisional Financial Manager, E.C. Railway, Danapur.
6. Station Superintendent, E.C. Railway, Moghal Sarai.

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Respondents.

By Advocate: - Shri Mukundjee

**ORDER
[ORAL]**


Akhil Kumar Jain, Member [Administrative] :- This OA has been filed by the applicant for payment of retiral dues including arrears of pension of her late husband as well as family pension.

2. The case of the applicant is that the husband of the applicant late Shri S.N. Pathak was a permanent railway servant who superannuated after 33 years of regular service. As per the information of the applicant, her husband submitted several representations to the respondents for settlement of his retiral dues and pension but the same was not done by the respondents without any reason. Ultimately her husband died on 08.04.1996. The applicant who is the widow of late Shri Pathak claims that after the death of her husband, she submitted several representations for payment of retiral dues of her husband



including the family pension etc. Vide letter No. E/Pen/Ex-gratia/99 dated 08.04.1999 the applicant was asked to re-submit the form after rectifying certain errors which also included information about the date of retirement of her husband. It is submitted by the learned counsel for the applicant that the widow of the deceased only knows that her husband was a regular railway employee at Mughal Sarai and after a long service he retired, but she does not know actual date of retirement. However, she traced out some old papers of her husband which include railway passes issued to her late husband in the year 1966 and on 20.04.1976 and two statements of PF account for the year 1965-66 and 1973-74 (Annexure A/2 series). In the pass issued in 1996, the designation of her late husband was shown as Pointsman and in the pass issued on 24.04.1976, the designation shown is Leaverman. Even in the PF account statement, the designation has been shown as Leaverman and the PF account number is clearly indicated as 172636. The learned counsel for the applicant further submits that the only ground on which the case of the applicant has not been considered is non availability of records for which the applicant has been asked to furnish the date of retirement of her late husband. He submits that for the fault on the part of the respondents in maintaining the records properly, the applicant cannot be denied the legal dues as well as family pension.

2. The respondents in their written statement have submitted that the date of retirement as well as date of death of the deceased employee are not available in any record. From the submission made in the OA, the husband of the applicant died in 1996 and prior to his death, he superannuated from service. As such, the settlement dues might have been paid to the employee concerned subject to option for pension offered, if any, otherwise entire terminal dues would have been paid to the concerned employee. It is further stated in the written statement that even the applicant had not furnished either the date or place of retirement of her late husband. Had any of these two relevant information ^{being} ~~being~~ given in the




application, the same would have given clue to the respondents to trace out the relevant documents in order to redress the grievance of the applicant. The husband of the applicant might have retired at the relevant time when the right of pension was not in favour of applicant's husband. However, the respondents are ready to redress the claim of the applicant legally.

3. After perusal of the records and consideration of the submissions made by the parties, I am of the opinion that merely on the ground of non-availability of records, the claim of the applicant cannot be denied. The fact that the late husband of the applicant was a regular employee of the railways has not been denied by the respondents. Moreover, the documents submitted in Annexure A/2 series have also not been contested by the respondents. From the said document, it is clear that at least till 1976 he was posted as Mailman at Mughal Sarai. Since the PF account number has been furnished by the applicant, it should at least be possible for the respondents to trace out the PF account of the applicant till the date of his retirement because on his retirement settlement of PF dues must have been considered and processed in normal course from that date of retirement which should be available and on that basis efforts can be made to trace other records. Furthermore, I am of the view that the matter of family pension should in any case be processed by the respondents as per rules notwithstanding the issue of lack of clarity on the payment of retiral dues.

4. The OA is, therefore, disposed of with direction to the concerned respondent authority to trace out the record of the applicant on the basis of PF account number given by the applicant and any other available documents and efforts should be made to settle the retiral dues of the applicant, if already not done, within a period of six months from the date of receipt of this order. The applicant be informed of the status in any case within the said time limit. As regards the case of family pension of the applicant, the respondents are directed to process the same as per rules, treating the late husband of the applicant as regular



employee of the railways and pass appropriate orders within a period of four months. No order as to costs.


[Akhil Kumar Jain]
Member[A]

srk.