

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No.663/2005

Date of order : 6th October, 2005

CORAM

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Smt. Munaka Devi

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Applicant

Vrs.

Union of India & Ors.

.....

Respondents

Counsel for the applicant : Shri M.P.Dixit.

Counsel for the respondents : Shri A.A.Khan, SC

ORDER (ORAL)

By Justice P.K.Sinha, VC :-

Heard the ld. counsel for the applicant and the learned Standing Counsel appearing for the respondents. The applicant Smt. Munaka Devi claims to be the mother of Mithilesh Kumar Sharma employed as Helper Khalasi under the Respondent No.4, who died in harness on 25.8.2004 which is also corroborated by Annexure-A/1, the Post Mortem Report. It is submitted that the applicant is a widowed mother and the deceased



employee has left behind two unmarried minor daughters also, the wife of the deceased having predeceased him. It is claimed that the applicant is looking after the two minor girls of the deceased being her natural guardian. It is further submitted that even after the death of the employee she has been deprived of the terminal benefits as also the family pension. She and the minor daughters depending upon the applicant, are on the verge of starvation. It is also submitted that a representation was filed by Rubi Kumari, who is stated to be a daughter of the deceased employee, for her appointment on compassionate ground. However, it is admitted that since she is minor, she cannot be employed at present. But on record ^{the} annexed also is a copy of the representation filed by the applicant, dated 12.9.2004 and 10.3.2005, the first for appointment of Rubi Kumari, and the second application being for payment of terminal dues on account of death of Mithilesh Kumar Sharma well as for grant of family pension.

2. It is submitted that despite the aforesaid application of the applicant, nothing has been done as yet.

3. If Mithilesh Kumar Sharma had expired while in permanent service of the respondents, the terminal benefits had to be paid to his legal heirs. Since the mother of the deceased and two minor daughters are Class -I heirs under Hindu Succession Act, they would have been entitled to,



under the extant rules, family pension.

4. The representations are pending. This is a case of hardship to the destitute family of the deceased employee who was working in the Railways, hence in my opinion, this should be decided promptly and earlier.

5. This application, keeping that in view, is, therefore, disposed of by directing the Respondent No.2, the Divisional Railway Manager, E.C., Railway, Danapur to look into the matter and if the applicant ^{and/} or the minor _{P. K.} daughters of the deceased employee are entitled to the claims as made, pass an order in that regard within a period of three months from the date of receipt of a copy of this order. If not, the Respondent No.2 will pass a speaking order within this period. If the Respondent No.2 finds them entitled to the relief as claimed, he may also consider to order deposit of $1/3^{\text{rd}}$ amount in the names of two unmarried daughters [$1/3^{\text{rd}}$ amount to each and $1/3^{\text{rd}}$ to the applicant], of the terminal benefits, under the fixed deposit _{S.} scheme, till they attain majority.

6. With the aforesaid directions, this application stands disposed of.



[P.K.Sinha]
Vice-Chairman