

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA No. 471 of 2005

Patna dated the 12th January, 2007

CORAM: The Hon'ble Mr S.N.P.N.Sinha, M[A]

Reeta Kumari, d/o Late Ramchandra Mahto, Mohalla Bahadurpur, P.S. Samastipur, District Samastipur, presently residing at Mohalla Bibiganj, Railway Colony Gumati no.3, PS Bhagwanpur, District Muzaffarpur.

Applicant

By Advocate : Shri S.S.Yadav

versus

1. The Union of India through the General Manager, EC Railway, Hajipur.
2. The Divisional Railway Manager, EC Railway, Sonepur.
3. The Divisional Railway Manager[P] EC Railway, Sonepur.
4. The Assistant Personnel Officer [III] EC Railway, sonepur.
5. The Personnel Inspector, Mansi Railway Junction.

Respondents

By Advocate: Shri B.B.Kumar

O R D E R

S.N.P.N.Sinha, M[A]:-

The present application has been filed for direction to the respondents to make payment of retiral benefits with interest due to the applicant's deceased father. It is submitted on the applicant's behalf that she is an unmarried daughter and the only successor to her deceased father, who was a Railway employee. He died on 3.3.1986, along with his three sons during his service period due to arson in his house. The applicant's mother had already expired in 1985. Her younger sister named Mamata also died in 1995. The applicant is unmarried and is the sole legal heir. She was a minor at

the time of her father's death. When she came to know of her right and title, she made a number of representations to the respondents. She was asked by a letter dated 18.12.2001 from the General Manager[P], Sonepur to produce succession certificate. It is claimed that a succession certificate was furnished by her. The applicant thereafter filed OA 588/04 in which this Tribunal directed the respondents to examine the claims of the applicant and to decide the matter in accordance with law. The respondent no.4 thereafter passed an order dated 18.4.2005, a copy of which has been annexed with the application. It is said therein that the applicant was called for personal hearing and she was asked whether she was in any way implicated by the Police in the murder case of her father and whether her sister Mamata Kumari was residing with her or she was dead. It was also pointed out that the claim has been submitted by the applicant 13 years after her father's death. An inquiry was held in the matter by Personnel Inspector in which a dispute arose about her marital status and about her being the sole survivor. She was also asked to furnish details of the Police case which was not done. A death certificate of Mamata Kumari was produced by the applicant. On verification, the Death and Birth Registrar by his letter dated 7.3.2005 informed that the death certificate was not issued by his office. The intention of the applicant, therefore, it was said, may be mala fide and a decision on payment in her favour cannot be taken unless the applicant furnishes full facts and co-operates with the Railway Administration. So, it was said that at this stage the claim of the applicant is denied.

2. In a supplementary application, it is claimed by the applicant that the Police had lodged a case against unknown with

regard to arson in the house of the applicant's father. After investigation, a final report was submitted, a photo copy of which has been filed. ~~It is further said that~~ Family certificate from the Block Development Officer as well as the Municipal Commissioner ~~have~~ also been annexed. It is claimed that she was nine years old when the unfortunate incident of arson took place. A copy of death and heirship certificate issued by N.E. Railway has also been annexed which shows three sons, wife and another daughter named Mamata and the only survivor is mentioned as the applicant.

3. In the written statement filed on behalf of the respondents, the contention in the order dated 18.4.2005 has been reiterated. It is also said that by letter dated 14.12.2004, Superintendent of Police, Samastipur has been requested for information on the status of the criminal case. The written statement has copy of an inquiry report which states that the other daughter of the deceased employee named Mamata live/somewhere in Motihari but her exact address could not be found. The supplementary application filed by the applicant has copy of a certificate from the Superintendent of Police, Samastipur regarding character verification of the applicant in which it is said that there is nothing adverse against her.

4. From the materials on record and the submissions of the two sides, it is evident that the claim of the applicant, being the sole surviving heir of her deceased father, who was a Railway employee, has not been finally decided by the respondents. A

speaking order dated 18.4.2005 in pursuance of the direction of this Tribunal in the earlier OA mentions that at this stage her claim is denied. In the written statement also it is stated that information has been sought from the Police regarding the investigation in the case of arson in which the Railway employee died. An heirship certificate , a copy of which has been filed on the applicant's behalf, is supposed to have been issued by the N.E.Railway. It is, therefore, desirable that the respondents ascertain the facts in the present case and decide the claim of the applicant regarding her being the sole surviving heir of the deceased Railway employee and for payment of dues which she would be entitled to in case her claim in the first instance is proved to be valid.

5. The application is, therefore, disposed of with the direction to the respondents to examine the applicant's case, ascertain the facts, if need be from the Police and other authorities and take a final view regarding the claim of the applicant within three months from the date of receipt a copy of this order. The applicant is also directed to make a copy of the present OA, along with a certified copy of the order to the respondents within a month from the receipt of certified copy of this order. No order as to costs.



[S.N.P.N.Sinha]
Member[A]

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