

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

[Patna, this ³/_{9th} O.A.NO.: 412 OF 2005, the ~~Tues~~Day of September, 2008.]

C O R A M

HON'BLE MS.SADHNA SRIVASTAVA, MEMBER [JUDL.]
HON'BLE MR. AMIT KUSHARI, MEMBER [ADMN.]

Vijay Kumar, son of late Ram Chandar, Carpenter under Foreman [Work shop], E.C. Railway, Danapur, resident of C/o Shri Ganesh Chandra Prasad, Bari Khagaul, P.O.: Khagaul, District- Patna.APPLICANT.
By Advocate :- Shri M.P.Dixit.
Shri S.K.Dixit.

Vs.

1. The Union of India through G.M., E.C.Railway, Hazipur.
2. Divisional Railway Manager, E.C.Railway, Danapur.
3. Sr. D.P.O., E.C. Railway, Danapur.
4. Smt. Bachi Devi, Khalasi, Office of Section Engineer [Works], E.C.Railway, Danapur.RESPONDENTS.
By Advocate :- Shri Mukund Jee, SC. & Mr. A.N. Jha for Pvt. respondent.

O R D E R

Sadhna Srivastava, M[J] :- By means of this OA the applicant is seeking to quash the impugned order dated 01.02.2005 passed by the Divisional Railway Manager, Danapur [Annexure-A/7], whereby it has been held that Smt. Bachi Devi [respondent no.4] was rightly treated as the only surviving heir, i.e., widow of Late Ram Chandar. It has been further held in the impugned order that the payment of retiral dues was made to Bachi Devi in accordance with the settlement form [Form No.6] wherein Late Ram Chandar had declared Bachi Devi as his legal heir for settlement of dues. The impugned order further mentions that the appointment on compassionate ground has already been given to Bachi Devi.

2. The facts are that Ram Chandar, employed as Carpenter in Railway at Danapur was medically decategorised for all categories of service on 10.09.1991 and consequently retired. Ultimately, he died on 18.04.1992.



On retirement, late Ram Chandar declared in settlement form [Form No.6] Bachi Devi [respondent no.4] as his wife and one Sushila Devi as his daughter. On the basis of the declaration retiral dues were paid to Bachi Devi during the life time of Late Ram Chandar. After the death of Ram Chandar, Bachi Devi had been provided appointment in Group 'D' on compassionate grounds.

3. The applicant alleges that late Ram Chandar was married with one Shiv Kumari Devi and he was born by their union; that Bachi Devi [respondent no.4] was married to one Jagdish Mistry and Sushila Devi was born by their union. The applicant filed a OA 641 of 2004 which was disposed of by an order dated 03.09.2004 directing the Railway Administration to take decision on the pending representation of the applicant about his claim to the retiral dues [Annexure-6]. The impugned order dated 01.02.2005 has been passed in compliance of the order of the Tribunal dated 03.09.2004.

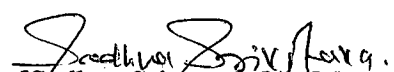
4. We have heard the learned counsel for the parties and perused the record.

5. We may mention at the outset that this Tribunal is not competent to decide the disputed question of succession. Civil court is the proper forum for the same. The Railway administration also unless an order of competent Court states otherwise, is bound by the declaration made by the employee. In the instant case late Ram Chandar declared Bachi Devi as his wife. Therefore, no mistake was made by the Railway administration in making payment of retiral dues to her. It is also relevant that the payment of retiral dues was made during life time of Late Ram Chandar. If so, it further lends strength to the case of the Railway administration and weakens the theory set up by the applicant.

6. We have given our careful consideration to the facts of the case. We are of the considered opinion that this application must fail.

7. Accordingly, the OA is dismissed without any order as to costs.


[Amit Kushari]/M[A]


[Sadhna Srivastava]/M[J]

skj.S