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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 765 OF 1996

DATE OF ORDER: 10th June, 1997

BETWEEN:

1. Smt. Yellamma Bai,
2. Sri Beeju Rao,
3. Miss Sharada Bai

.. APPLICANTS

AND

1. The General Manager,
South Central Railways,
Secunderabad,
2. The Chief Personnel Officer,
S.C.Railway, Secunderabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Ms. B.G. UMA DEVI

COUNSEL FOR THE RESPONDENTS: Mr. N.R. DEVARAJ, Sr. CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicants. Heard Mr. N.R. Devaraj, learned standing counsel for the respondents.

2. There are three applicants in this OA. The first applicant is the mother of the deceased employee Shri SSM Prasad who died while working as Tracer in South Central Railway. The second applicant is the father of Shri SSM



Prasad and the third applicant is his unmarried sister. It is stated that he has got two major brothers already employed and separated long back. The first applicant submitted an application for paying her final settlement dues of her deceased son Shri SSM Prasad. The ~~xxxxxxxxxx~~ Railways did not initially accept her as legal heir for receiving all the final settlement dues of her son. From the details in the OA it appears that all the members of the family of the deceased viz, his mother, father, his unmarried sister and two major elder brothers gave permission to pay the amount to the 1st applicant. It is stated that a ~~W~~ Welfare Inspector was sent to get the acquittance from the applicant which was also given by the applicant. However, the Railways wanted succession certificate to be obtained by the competent court before disbursement of the final settlement dues of the deceased Mr.SSM Prasad. This was informed to the applicant by the impugned letter No.P.500/Hqrs/VIII/SMP/5/91 dated 24.11.95 (Annexure A-XIII at page 31 to the OA). The applicants submit that they are aged and hence it was not possible for them to obtain the succession certificate from the competent court.

3. This OA is filed to set-aside the impugned letter No.P.500/Hqrs/VIII/SMP/5/91 DATED 24.11.95 (Annexure A-XIII to the OA) by holding it as illegal, arbitrary and for further direction to the respondents to pay all the post death benefits.

4. The respondents have filed reply. They submit in their reply that right from 1992 onwards they are insisting to submit succession certificate for disbursal of the final

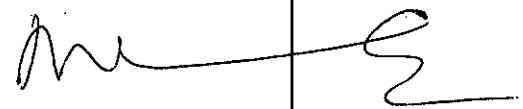


settlement dues to the 1st applicant herein. But the 1st applicant has not taken any action so far. Even the Consumer Court at Kurnool had directed them to approach the appropriate judicial forum for obtaining the succession certificate. But the applicants have not taken any action. In para 3 at Page 2 of the reply the claimants were directed to produce the succession certificate from the court of law in support of their claim and hence the final settlement dues were not disbursed. However, on the same page, disbursal of the final settlement dues to various beneficiaries as per Pension Manual on various counts such as Provident Fund holding, DCRG, leave encashment, CGEIS, PLB and salary for the month of April 1991 has been indicated. Nowhere it is stated that the Manual of Pension Rules 1950 stipulates that even to disburse the Provident Fund holding, DCRG, leave encashment, CGEIS, PLB and salary for the month of April 1991 needs succession certificate. It is seen that as per reply there is not only one beneficiary but also more than one beneficiaries to receive the dues against various counts as indicated above. Hence the question of succession certificate against one member may not be of much assistance to the Railways in disbursing the final settlement dues. However, I have no doubt in my mind to say that the Manual of Railway Pension Rules, 1950 should be fully adhered to in regard to the disbursal of the amount of late Shri SSM Prasad towards PF holding, DCRG, Leave encashment, CGEIS, PLB for 1991 and salary for the month of April, 1991. The respondents should take immediate action to follow the rules as provided in the Manual of Railway Pension Rules in disbursing the dues to the applicants and others.



5. In the result, the OA is disposed of directing the respondents to follow the rules for disbursement of PF holding, DCRG, leave encashment, CGEIS, PLB for 1991 and salary for the month of April, 1991 of the deceased employee Shri SSM Prasad in accordance with the Pension Rules, 1950.

6. The OA is ordered accordingly. No order as to costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

DATED:- 10th-JUNE,- 1997
Dictated in the open court.

*Avilal
Dy. Regt. No. 3*

vsn

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Copy to :

1. The General Manager, South Central Railway, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Secunderabad.
3. One copy to Ms. B.G.Uma Devi, Advocate, CAT, Hyderabad.
4. One copy to Mr. N.R.Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

8/1/97

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED

10/6/97

ORDER/JUDGEMENT

M.A./R.A/C.A.NO.

RECEIVED BY
APR 10/97

O.A. NO.

765/96

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

YLR.

II Court.

