

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No. 924/1997.

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Date of decision: 16th December, 1997.

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Between:

Kanniamma.

.. Applicant.

And

1. The General Manager, South Central Railways, Secunderabad, Andhra Pradesh.
2. Senior Divisional Personnel Officer, Guntakal, Anantapur District.
3. The Station Master, Renigunta Junction, Chittoor District, Andhra Pradesh.

Respondents.

Counsel for the applicant: Sri L.J.Veera Reddy.

Counsel for the respondents: Sri C.V.Malla Reddy.

JUDGMENT.

(by Hon'ble Sri R. Rangarajan, Member (A))

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It is stated that the applicant is the sister of Mr. T.Dasappa who died on 25-9-1996 while working as ~~Postman~~ ^{paintman} "A" of Renigunta (P.F.No.03056909.)

The applicant submits that she is the sole survivor of the deceased and she is entitled for all the final settlement benefits of late Sri Dasappa. She also submits that firstly Sri Dasappa has nominated her name for obtaining the final settlement dues in the Service Register of the deceased employee.

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It is stated that she has not been shown even the Service Register of the deceased employee to verify the nominee and she has also not been granted the final settlement dues accrued to the deceased employee.

In the meantime the Respondent No.2 has issued a letter No.G/P.500/I/D-434/KAR dated 18-6-1997 addressed to her as well as ~~the~~ another lady Smt. Umavathi for producing the succession certificate from a competent Court duly impleading the other claimants for giving them the benefits accrued to the deceased employee, Sri Dasappa.

This O.A., is filed for a declaration that the action of the 2nd respondent in insisting the succession certificate for payment of final settlement dues to the applicant on the death of Sri Dasappa ~~is~~ ~~illegal~~ and also delaying the payment of settlement dues to the applicant is illegal, unjust and arbitrary and also for a consequential direction to pay the final settlement dues ^{to} late Sri Dasappa. *the*

From the letter dated 18-6-1997 it appears that there are two claimants to get the final settlement dues of late Sri Dasappa. When there is a dual claim the only way left to the respondents is to arrange the

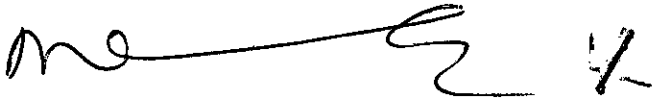
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final settlement dues on the basis of succession certificate submitted by one of the ~~applicant~~ claimants from the competent judicial forum. The Railway Department has correctly written to the applicant as well as the other claimant Smt. Umavathi for producing the succession certificate from a competent Court. The applicant submits that late Sri Dasappa had nominated her name for receiving the final settlement dues accrued to him in case of his death in the relevant records maintained by the Railway Department. If those records are shown to her, she will be able to prove her claim. If the claimant is only one, the Railways need not hesitate to settle the final dues and pay the same to the applicant. But, in this case there are two claimants, ~~In such a case,~~ the only way to disburse the final settlement dues of the deceased is to the person who produces the proper succession certificate from the competent Court.

In view of the above, the applicant may take suitable action to comply with the order dated 18-6-1997. In the meanwhile, the Railway may show^k the applicant or her authorised agent the relevant records to verify the fact whether she has been nominated by the deceased/employee for receiving the final settlement dues of late Sri T.Dasappa, if they are available. If such a nomination is there,

the applicant requests for a photostat copy of that nomination. The Railway may take action for providing photostat copy of the nomination to the applicant in accordance with law.

With the above observations, the O.A., is disposed of. No costs.

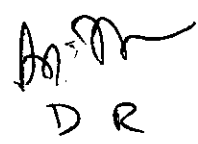


R. RANGARAJAN,
Member (A)

Date: 16--12--1997.

Dictated in open Court.

sss.



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Copy to:

- 1. The General Manager, South Central Railway, Secunderabad, Andhra Pradesh.
- 2. Senior Divisional Personnel Officer, Guntakal, Ananthapur District.
- 3. The Station Master, Renigunta Junction, Chittoor District, Andhra Pradesh.
- 4. One copy to Mr. L.J. Veera Reddy, Advocate, CAT, Hyderabad.
- 5. One copy to Mr. C.V. Malle Reddy, Addl. CGSC, CAT, Hyderabad.
- 6. One copy to D.R(A), CAT, Hyderabad.
- 7. One duplicate copy.

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92/292 (7)

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 PARAMESWAR~~ :
M(J)

Dated: 16/12/97

ORDER / JUDGMENT

MA./R.A./C.A.No.

in

G.A.No. 924/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed For Default

Ordered/Rejected

No order as to costs.

SRR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
अपेक्षा / DESPATCH
26 DEC 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH