

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Decision : 02.11.2004

Original Application No.178/2003.

Muthuvel S/o Mayavan, aged about 53 years, Khallasi Under Section Engineer (IOW) Morvi, Resident of C/oDurai Swami Trollyman (PWI) Palsana Gang Quarters Gang No.33, Palsana Distt. Sikar (Rajasthan).

... Applicant.

v e r s u s

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Opposite Railway Hospital Jaipur.
2. Chief administrative Officer (Construction), North Western Railway, Hasanpura Road, Opposite Railway Hospital, Jaipur.

... Respondents.

Mr. Nand Kishore counsel for the applicant.
Mr. S. R. Samotha proxy counsel for
Mr. Tej Prakash Sharma counsel for respondents.

CORAM

Hon'ble Mr. M. L. Chauhan, Judicial Member.

: O R D E R (ORAL)

The applicant has filed this application for non payment of family pension and pensionary benefits which was due to him on account of death of the wife of the applicant, late Amardam V who expired on 13.12.1989. The applicant has prayed for the following reliefs :-

"i) It is therefore prayed that by an appropriate order or direction, the Hon'ble Tribunal may kindly call for the entire records, pertaining to the case and after examination, the respondents be directed to arrange payment of family pension due to the applicant with arrears and interest @18% on the delayed payment of amount.

ii) The respondents may be directed to arrange the payment of Provident Fund DCRG, Leave encashment of any due with interest @18%.

iii) Any other directions and orders which is deems proper in the facts and circumstances of the case may kindly be allowed to the applicant. Cost may kindly be awarded as the respondents knowingly avoided the family pension which was rightfully due to the applicant as per the railway Rules."

2. Notice of this application was given to the respondents. Respondents have filed reply. In the reply, the respondents have stated that they have now released all the due payments and sent to Sr. DFM/jaipur for necessary payment duly completed in all respects and the following payments have been made to the applicant.

- "i) Payment of Provident Fund Rs.2995/-.
- ii) Leave encashment Amt. Rs.4170/-
- iii) DCRG Rs.2082/- only.
- iv) Family Pension - Nil."

The respondents have further stated that the amount of Provident Fund has been released through PFRO No.11 dated 20.01.2004 which has been sent to the Senior DFM/Jaipur vide letter dated 22.01.2004 for necessary payment to the husband of the deceased employee through Bank as per G15F form. The respondents have also annexed copies of the various letters, according to which the deceased was held entitled for payment and all the payments have been made and sent to Sr.DFM/JP for necessary payment duly completed in all respect (Annexure R/1 to R/5).


3. The applicant has filed rejoinder. In the rejoinder, the applicant has stated that he has not received any payment in his Bank Account No.10488 of P.N.B. at Palsana intimated to the respondents long back.

4. I have heard the learned counsel for the parties. In view of what has been stated above the present OA does not survive, as according to the respondents, all the payments due to the applicant on account of death of his wife have been released, though the applicant has sated that the same has not been credited in his Bank Account No.10488 of P.N.B. at Pulsana. In the facts and circumstances of this case, the only order which is required to be passed in this OA is that the respondents shall ensure that the payment in respect of Provident Fund, Leave encashment and DCRG shall be credited in the aforesaid Bank account of the applicant, in case the payment of the same has not been made to the applicant

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till date. The respondents are directed to complete such exercise within six weeks from today.

5. With these observations, the OA shall stand disposed of with no order as to costs.


(M. L. CHAUHAN)
MEMBER (J)