

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH  
CIRCUIT COURT SITTING AT INDORE

Original Application No. 298 of 2004

Gwalior, this the 21 day of November, 2005

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Smt. Tibudi Bai, W/o. Rang jee Goba,  
aged about 55 yrs. Resident of  
Bildi - District Ratlam.

... Applicant

(By Advocate - Shri A.N. Bhatt)

V e r s u s

Union of India, and others  
Represented by :-

1. The General Manager,  
Western Railway, H.Qrs. office,  
Churchgate, Mumbai-20.

2. The Divisional Rail Manager,  
Western Railway, Do-batti,  
Ratlam (MP).

... Respondents

(By Advocate - Shri Y.I. Mehta, Sr. Adv. alongwith Mrs. S.H. Mehta)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has claimed the following main reliefs :

"8.1 the respondents may kindly be directed to pay family pension to the applicant as her husband is not traceable since 9 years,

8.2 the respondents may kindly be directed to pay all the settlement dues like gratuity, Group insurance, provident fund contribution, leave encashment etc.,

8.3 all arrears with interest and cost of this application may kindly be allowed."

2. The brief facts of the case are that the husband of the applicant Rang jee G. was serving as Gangman under the respondents and all of a sudden he disappeared and is not yet traced out inspite of all efforts. The report in this regard was lodged at the Police Station, Raoti. The applicant approached the respondents for settlement dues and family pension but the Department has not arranged any kind of

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settlement even after lapse of 9 years. The husband of the applicant was a permanent employee of the respondents Railways and he had put in 25 years of service. The applicant made several representations to the respondents but no action is taken by the respondents so far. Hence, this Original Application is filed.

3. Heard the learned counsel for both the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that the husband of the applicant was missing since 20.6.1994 while he was going on duty in the respondents' Department. The applicant filed FIR before the police authorities and also submitted many representations to the respondents claiming family pension and other service benefits. She also filed a certificate of the Sarpanch dated 21.2.2005 (Annexure A-8) in which it is mentioned that the applicant is legally married wife of the deceased Government servant and she has learned counsel for the applicant begotten four sons from him. The has also drawn our attention towards Annexure A-5(1) which supports the claim of the applicant. Thus, the applicant is legally entitled for the reliefs claimed.

5. In reply the learned counsel for the respondents argued that the applicant is not legally entitled for the reliefs. He argued that the husband of the applicant is said to have been missing since 20.6.1994. He also submitted that the applicant should have obtained the succession certificate from the competent civil court. The Annexure A-8 produced by the applicant is not sufficient as it cannot be deemed to be the correct proof of succession. The applicant's husband is not legally entitled for any benefit as he has not completed the requisite 20 years qualifying service. Thus, this OA deserves to be dismissed.

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6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, we find that the husband of the applicant was missing since 20.6.1994 while he was going on his duty to serve the respondents' Department. The applicant had filed a FIR in this regard before the police authorities. The husband of the applicant is not yet traceable. We have perused the certificate issued by the Sarpanch at Annexure A-8 dated 21.2.2005 but it does not seem to be the succession certificate according to the rules. In this case the deceased Railway servant was working under the respondents and was missing since 1994. The legal representative of the aforesaid Railway servant has filed this OA claiming family pension and other retiral dues in terms of the aforesaid Railway Board circular at Annexure A-5(1). The learned counsel for the respondents has submitted that the request of the applicant is not rejected but can only be considered if the succession certificate is produced by the legal heirs of the missing Government servant from a competent court of law.

7. Considering all the facts and circumstances of the case, we are of the considered view that the certificate produced by the applicant is not the succession certificate. Hence, we do not find any merit in this OA. However, the applicant may approach the respondents with the succession certificate obtained from the competent court of law.

8. Accordingly, the Original Application stands disposed of. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman