

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 19th day of April, 2006

ORIGINAL APPLICATION No 526/2005

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

Shrimati Asha Raizada Saxena,
Widow wife of late Shri Kunwar Behari Saxena,
Ex.Train Superintendent (CTRI),
Western Railway Mumbai,
under Sr. Divl. Commercial Manager,
Mumbai Central Division,
Western Railway, Mumbai
r/o 181, Gayatri Sadan,
Gali No.10, New Govind Nagar,
Rajganj, Ajmer.

.. Applicant

(By Advocate: Mr. H.S.Chaudhary)

Versus

1. Union of India through General Manager,
Western Railway,
Churchgate,
Mumbai.
2. Chief Commercial Manager
(Pension and Settlement)
Western Railway,
Churchgate, Mumbai.
3. Divisional Railway Manager (Establishment),
Mumbai Central Division,
Western Railway,
Mumbai.
4. Senior Divisional Commercial Manager,
Mumbai Central Division,
Mumbai.

.. Respondents

(By Advocate: Mr. S.S.Hasan)

O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- “(i) By an appropriate writ, order or direction the respondents be directed to release the entire amount of settlement dues, arrears payments, leave encashment etc. to the applicant at an earliest. The family pension be sanctioned in favour of the applicant and all the withheld amounts be paid by allowing the market rate interest for the entire period of delayed payments.
- (ii) To very kindly take a very serious view against the erring officials as has been taken by Hon’ble Division Bench of Karnataka High Court.
- (iii) Any other relief which is found just, fit and proper in the facts and circumstances of the matter may very kindly be passed in favour of the applicant by this Hon’ble Tribunal.
- (iv) The exemplary cost of the application be granted in favour of the applicant.

2. Briefly stated, facts of the case are that applicant is wife of late Shri Kunwar Behari Saxena who while working on the post of Train Superintendent (CTRI) under the Divisional Commercial Manager, Mumbai Central expired on 27.12.2000. It is the case of the applicant that she submitted her claim for final settlement and grant of family pension to the respondents, but despite repeated representations and even decree from the lower court, the applicant has not been paid the retiral benefits and as such has filed this OA thereby praying for the aforesaid reliefs.

3. The respondents in the reply have stated that the case of the applicant could not be settled as after the death of Shri Kunwar Behari Saxena, his mother, Smt. Premvati Saxena submitted representation dated 22.1.2001 intimating therein that Shri K.B.Saxena was staying separate from his wife Smt. Asha Raizada for the last 18 years and had also advised that a decree of divorce has been filed in the Civil Court, Mathura, therefore, the retiral benefits of Shri K.B.Saxena should not be paid to the present applicant. It is further stated that even the husband of the applicant during his life time has also given in writing that settlement dues should not be paid to his wife Smt. Asha Raizada. The respondents have further stated that the railway administration has decided that as the matter is subjudice in a civil suit which is pending in the Civil Court, Mathura, the settlements may be made only after the outcome of the said civil suit. Thus, according to the respondents, necessary decision regarding payment of retirement benefits will be taken by the answering respondents after declaration of the decision in the pending suit. Regarding the averment made by the applicant that even the civil suit has finally disposed of on account of settlement between the parties, the respondents have stated that they have not received the original copy of the decision issued by the Civil Court, Mathura for verification and processing the settlement dues.

4. The applicant has filed rejoinder thereby reiterating the submissions made in the OA. It is stated that the respondents have not initiated any action for processing the settlement dues of the applicant even after receipt of copy of judgment rendered by the Civil Court, Mathura.

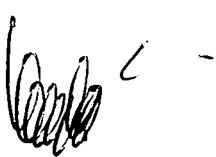
5. I have heard the learned counsel for the parties and gone through the material placed on record.

6. As can be seen from the material placed on record, more particularly, the stand taken by the respondents in the reply that action on the claim of the applicant regarding retirement benefits and DCRG will be taken after declaration of decision in the pending suit and that the applicant has categorically stated in the OA that copy of the judgment rendered by the Civil Court, Mathura which is based on the settlement/compromise made between the parties has been made available to the respondents, the claim of the applicant cannot be kept pending indefinitely. The only contention raised by the respondents regarding copy of final order dated 13.4.2005 passed in the civil suit by the Civil Court, Mathura is that they have not received the original copy of the order issued by the Civil Court, Mathura for verification and processing the settlement dues. The learned counsel for the respondents submitted that the

applicant has only supplied photocopy of the judgment. Since the matter is pending consideration for long time, it is expected that the respondents will settle the claim of the applicant expeditiously.

7. Keeping in view the facts and circumstances of this case, I am of the view that the applicant shall make available certified copy of the order dated 13.4.2005 passed by the Civil Court, Mathur to respondent No.2 within two weeks and the respondents are directed to settle claim of the applicant expeditiously and in any case before three months from the date of receipt of certified copy of the decision rendered by the Civil Court, Mathura.

8. With these observations, the OA stands disposed of with no order as to costs.



(M.L.CHAUHAN)

Member (Judicial)

R/