

30/10/00  
✓  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 136/95.....

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

✓ ORIGINAL APPLN. NO. 136 OF 1995  
TRANSFER APPLN. NO. OF 1995  
CONTEMPT APPLN. NO. OF 1995 (IN OA NO. )  
REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
MISG. PETN. NO. OF 1995 (IN OA NO. )

.....Smti. S. Choudhury..... APPLICANT(S)

-VS-

.....M.O.I. & M..... RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. ~~J. L. Sarkar~~  
MR. ~~J. L. Choudhury~~  
MR.  
MR.

FOR THE RESPONDENTS

...MR. B.K. Sharma  
Rly. Reht.....

OFFICE NOTE

DATE

ORDER

14.7.95

Learned counsel Mr. J.L. Sarkar moves this application on behalf of the applicant Smt Supriya Choudhury. Learned Railway counsel Mr B.K. Sharma has received copy of the application and opposes the admission.

Issue notice on the respondents to show cause as to why the application should not be admitted. Returnable on 4.8.95.

Mr B.K. Sharma also opposes granting of interim relief prayer. However, it is directed that till disposal of the show cause the respondents shall not release the amount of pensionary benefits of late Sunil Ch. Choudhury, Ex. Station Superintendent, Bhoj Railway Station, N.F. Railway.

List on 4.8.1995 for consideration of show cause, admission and further orders.

Copy of this order may be furnished to the counsel of the parties.

Member

Requisition are yet to be made.  
order issued to be  
counsel & parties v.no. 3067/68  
8.19.7.95

Requisites are filed  
on 18/7/95 & (8nd vide  
M. 312-14 d. 19.2.95)

4.8.95

Mr M. Chanda for the applicant.

Mr B.K. Sharma for the respondents.

Mr B.K. Sharma seeks further four  
weeks time to file show cause. Time  
allowed. Show cause be filed within  
1.9.1995. with copy to the learned counsel  
for the applicant.

Notice Served.  
R. no. 1, 2 & 3.

6  
Member

List for consideration of  
admission and disposal of show cause on  
8.9.95. Interim order dated 14.7.95 will  
continue till disposal of the show cause.

nk  
M  
7/8/95

8.9.95

Notices have been served on  
respondents No.1 and 3. However, learned  
counsel Mr B.K. Sharma seeks further  
time to submit the show cause. Learned  
counsel for the applicant are present.

Adjourned to 10.11.1995 for show  
cause and consideration of admission.  
Interim order dated 14.7.95 will continue  
till disposal of show cause.

6  
Member

p9

Notice Served on 7/8/95  
R. no. 1, 2 & 3.

7/9/95

10.11.95

Counsel of the parties are present. No show cause has been submitted.

Application is admitted. Issue notice on the respondents by Registered Post. Written statement within four weeks.

List on 8.12.95 for written statement and further orders.

Heard counsel of the parties on the interim relief prayer. It is directed that till disposal of the application the respondents shall not release the amount of retiral benefits of ~~to~~ late Sunil Chandra Choudhury, Ex-Station Superintendent, Bhajo Railway Station.

order communicated  
vide JAO 5108-5112 dt. 29.11.95

29/11/95

  
Member

pg

8.12.95

Learned counsel Mr J.L.Sarkar for the applicant. Written statement has not been submitted.

Adjourned to 12.1.1996 for written statement and further orders.

  
Member

pg

14

O.A. 136/95

12.1.96 Learned counsel Mr M.Chanda is present for the applicant. Written statement has not been submitted. Adjourned to 16.2.96 for written statement and further orders.

written has not  
been submitted

1/2

6 Member

pg

16-2-96 Mr.M.Chanda for the applicant is present. Written statement has not been submitted. Adjourned to 29-3-96 for written statement and for further orders.

Copy of this order be furnished to the official respondents.

Order d. 16-2-96 (sm)  
v.n.o.434-36 d. 20-2-96.

1/2

lm

1/2

6 Member

29.3.96 Mr M.Chanda for the applicant. Counter has not been submitted. List on 8.5.96 for counter and further orders.

6 Member

pg

8-5-96 Learned counsel Mr.M.Chanda for the applicant. Mr.B.K.Sharma for the respondents.

Counter has not been filed. At the request of Mr.Sharma list for hearing counter and further orders on 6-6-96.

Counter has not  
been filed

1/2

6 Member

pg

(G)

18-6-96

None is present. Written statement has not been submitted. List for bounter and further order on 5-7-96.

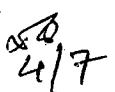
Counter has not been filed

lm

  
Member

5-7-96

None present. No written statement has not been submitted. List for hearing written statement and further orders on 30-7-96.

 4/7

pg

  
Member
18-7-96

obj/s filed on behalf of Respondents at pg - 19 - 24.

30.7.96

Mr. M. Chanda for the applicant. None for the respondents.

Written statement has been submitted. List for hearing on 13.8.1996.

 OM

  
Member

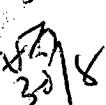
pg

13.8.96

Mr M.Chanda for the applicant. Mr B.K. Sharma for the respondents.

Mr Chanda seeks time for filing rejoinder. Hearing adjourned to 2.9.96. Mr Chanda may file rejoinder before the date of hearing with copy to counsel of respondents

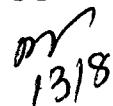
Rejoinder has not been filed

 30/8

Rejoinder has not been filed

 11/10

pg

 pr  
13/8

  
Member

(6)

O.A. 136 of 1995

Notice duly served on 2.9.96  
Op. Nos 1-3

2) Rejoinder has not been

filed.

3) 27/8/96 has been filed

trd  
19/9

2.9.96

Mr. M.Chanda for the applicant.

None for the respondents.

No rejoinder has been submitted.

List for hearing on 20.9.96.

(6)  
Member

trd  
M  
20/9

20.9.96

None present.

Hearing adjourned to 1.10.96.

(6)  
Member

trd  
M  
20/9

1.10.96

Mr. M.Chanda for the applicant is ready to make submissions. However, the Rail Counsel is absent.

Hearing adjourned to 14.10.1996.

(6)  
Member

trd  
M  
11/10

14.10.96

Learned counsel Mr. M. Chanda for the applicant. Learned counsel Mr. B.K. Sharma for the respondents.

Hearing adjourned at the request of Mr. M. Chanda. List for hearing on 14.11.96.

(6)  
Member

nkm

M  
15/11/96

14.11.96

Leave note of Mr. M. Chanda and Mr. B.K. Sharma, learned counsel for the applicant and respondents respectively. Adjourned for hearing on 3.12.96.

2.12.96  
written statement  
has been filed and  
is in the applicant

15/11

3.12.96

Learned counsel Mr M. Chanda for the applicant. Mr S. Sarma for Mr B.K. Sharma, learned Railway Counsel. Rejoinder has been submitted. Copy of the same has been served on the Railway Counsel.

Hearing adjourned to 19.12.96.

*60*  
Member

nkm

19.12.96

Learned counsel Mr M. Chanda for the applicant. None for the respondents.

Hearing adjourned to 16.1.1997.

It is desirable that the respondents produce the official records relevant to the matter in this O.A. at the time of hearing.

Send copy of the order to the counsels of both sides.

*60*  
Member

hl. company.  
*M*  
20/12  
20.12.96  
Copy of order add.  
19.12.96 issued to  
the counsel of  
parties

nkm  
*M*  
20/12

16.1.97

Mr. M.Chanda for the applicant.

Leave note of Mr. B.K.Sharma.

Mr. S.Sarma for Mr. B.K.Sharma, Railway Counsel submits photocopy of Affidavit dated 21-11-90, illegible photocopy of nomination dated 26.2.91 at Annexure-B, illegible photocopy of nomination at Annexure-C, illegible photocopy of nomination dated 26.2.91 at Annexure-D, illegible photocopy of nomination at Annexure-E and photocopy of Affidavit dated 11.8.94. The respondents are directed to submit clear and legible copies mentioned above. They are also directed to produce the original documents thereof in the next date of hearing.

Mr. Chanda submits that the letter mentioned by him at page 4 of the rejoinder namely letter No.E/207/0 Pt. VIII (C) dated 21.12.1993 of Chief Personnel Officer, N.E. Railway, Maligaon and letter of DRM (P) Tinsukia vide No. ES-S/280(PN) dated 6.1.95 also relevant to be produced and the respondents may be directed to produce the same.

*15-1-97*  
Case is Ready for  
hearing.  
*15-1-97*  
Case ready  
as regards  
service

*A.1.97*  
Copy of order add.  
16.1.97 issued to  
the Counsel and Respon-  
dent No 1, 2, 3.

*PN : 15-1-97*  
photocopies as mentioned  
in order on 16.1.97 as page.

*100/-*

16.1.97 the respondents are directed to produce these two letters also in the next date of hearing.

List for production of the above documents as well as hearing on 12.2.1997.

1. Com to members of  
opposed to place  
to the Name

V.e.

16/1/97

6  
Member

trd  
M  
16/1

1) Case is ready as  
regards service of  
notices.

10.2.97

Let this case be listed on 14.2.1997.

2) W/F Submited & Rejoinder  
for the W.F.W.

  
Vice Chairman

13-3-97  
nkm

1) Vice duty served 14.2.97

The case is ready for hearing.

2) DR. No -2

List for hearing on 14.3.97.

3) W/F has been submitted.  
Rejoinder has been filed  
by the applicant.

  
Vice-Chairman

trd  
M  
18/2

14-3-97

Let this case be listed for hearing  
on 16-5-97.

4) and Rejoinder is  
submitted.

  
Vice-Chairman

trd.

  
17/3

16.5.97.

Left over. List on 13.6.97 for  
hearing.

Adjourned list  
on 20.6.97.

By order

16/6/97-

  
Vice-Chairman

pg.

  
20/5

9

OA. 136/95

16.6.97 Adjourned. List on  
20.6.97.

19.6.97

By order  
M/16/97

1) Memo of appearance  
not yet filed.  
2) As per written statement  
as regards the case  
is ready for hearing.

J

19/6.

20.6.97

Records have been produced. Mr M. Chanda  
learned counsel for the applicant prays for a short  
adjournment. List it on 8.8.97.

  
Vice-Chairman

W/S. and adjourned  
has been filed.

nkm

24/6

8.8.97. Adjourned to 11.8.97.  
By order.  
V.C.

8-8-97

Memo of appearance  
filed by Mr. B.K. Sarma,  
Rly. counsel.

11.6.97 Passed over for the 2<sup>nd</sup>.

By order.

13.8.97. Pass over for the da  
BOS.

12.8.97. Adjourned to 5.9.97.

By order  
V.C.

5.9.97. Adjourned to 3.10.97.  
By order.

3.10.97 Adjourned to 5.12.97.

By order  
V.C.

W/S. and adjourned  
has been filed.

8/10  
W/S. and adjourned has  
been filed.  
Rly. counsel

(10)

5.12.97 On the last occasion while arguing the case the applicant made a submission before this Tribunal that the original ~~appixxxk~~ records pertaining to nomination for retirement benefits was necessary and accordingly direction was given to the Railway administration for production of the same and Mr B.K.Sharma learned Railway standing counsel undertook to produce it as submitted by Mr M.Chanda, learned counsel for the applicant. Several adjournments have been granted to produce the same. Today also Mr B.K.Sharma is not present. It is very difficult for this Tribunal to proceed with the matter. Therefore, I direct the Railway administration to depute one competent officer to be personally present before this Tribunal on 12.12.97 at 10-30 A.M positively with all relevant records pertaining to the nomination of retirement benefits Mr J.L.Sarkar, learned Railway counsel shall communicate the same.

List on 12.12.1997 for hearing.

Copy of this order may be furnished to Mr J.L.Sarkar.

  
Vice-Chairman

By order

Shivaji  
G.V. 12

pg

NS  
3/12  
at 3:30 P.M.

8.12.97

Copy of order add.

5.12.97 issued to  
the respondent No. 3  
and Mr. J.L. Sarkar, P.R.  
Counsel as per court  
direction.

12-12-97

Record has been produced.  
Mr.M.Chanda learned counsel prays  
for sometime to go through the  
records. Mr.B.K.Sharma has no  
objection.

List it on 19-12-97.

PMON

w/s and Rejoinder  
sum fil.

11/12

lm

NS  
15/12

  
Vice-Chairman

w/s and rejoinder  
has been filed.

Br  
16/12

The case is ready  
for hearing.

Br  
17/12

w/s and rejoinder has  
been filed.

Br  
26/12

w/s and rejoinder has  
been filed.

Br  
w/s and rejoinder has  
been filed.

Br  
23/12

w/s and rejoinder has  
been filed.

Br  
31/12

w/s and rejoinder has  
been filed.

Br  
17/12

pg  
17/12

19.12.97 Adjourned to 6.2.98.

By and  
Br

6.2.98 Adjourned to 27.3.98.

By and  
Br

27.3.98 There is one Single Bench  
today. Adjourned to 15.5.98.

By and  
Br

15.5.98 Adjourned to 24.7.98.

By and  
Br

24.7.98

39 On the prayer made on behalf of  
Mr B.K. Sharma, learned Railway  
Counsel, the case is adjourned till  
4.9.98.

  
Vice-Chairman

nkm

18  
23/12

4.9.98

On the prayer of Mr M.Chanda, learned  
counsel for the applicant the case is  
adjourned to 18.9.98.

  
Vice-Chairman

18.9.98 Adjourned to 23.10.98.

By and  
Br

23.10.98

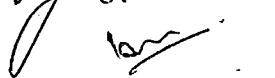
Mr M. Chanda learned counsel for the applicant prays for a short adjournment. List it on 20.11.98.



Vice-Chairman

nkm

20.11.98 There is no deviation  
Bench Case to be listed  
for hearing on 7.12.98

by order,  


7.12.98

On the prayer made on behalf of Mr M.Chanda, learned counsel for the applicant the case is adjourned till 14.12.98.

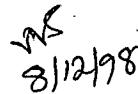


Member



Vice-Chairman

nkm

  
8/12/98

14-12-98

On the prayer of Mr.M.Chanda learned counsel appearing on behalf of the applicant case is adjourned to 6-1-99 for hearing.

List on 6-1-99 for hearing.



Member



Vice-Chairman

lm

  
23/12/98

25.1.99

6.1.99

Copies of the Judgment  
have been sent to the  
D/ceo, for issuing the  
same to the parties  
through Regd. with A/c.  
The  
issued vide despatch No.  
405 to 408 dt. 5-2-99

rept.  
26-3-99

Hreard Mr. M.Chanda, learned counsel appearing on behalf of the applicant. There is no representation on behalf of the Railway. We have herad Mr. Chanda and perused the records. Hearing concluded. JUDgement delivered in open Court. Application is disposed of. No order as to costs.



Member



Vice-Chairman

13

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 136 of 1995.

Date of decision 6.1.99

Miss Supriya Choudhury

PETITIONER(S)

Mr. M.Chanda.

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. B.K.Sharma, Railway Counsel

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.



M

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 136 of 1995.

Date of decision : This the 6th day of January, 1999.

Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Miss Supriya Choudhury,  
Daughter of Late Sunil Chandra Choudhury,  
C/o Sri Jatindra Mohan Sarkar,  
Kokrajhar Town (Hospital Road),  
P.O. & Dist. Kokrajhar.  
P.I.N. 783370

Applicant

By Advocate Mr. M.Chanda.

-versus-

1. Union of India,  
Through the General Manager (P), N.F. Railway,  
Maligaon, Guwahati.

2. The Divisional Railway Manager (P),  
N.F.Railway,  
Tinsukia Division,  
Tinsukia, Assam.

3. The Chief Personnel Officer,  
N.F.Railway,  
Maligaon,  
Guwahati-11

Respondents

By Advocate Mr. B.K.Sharma, Railway Counsel.

O R D E R

BARUAH J.(V.C.).

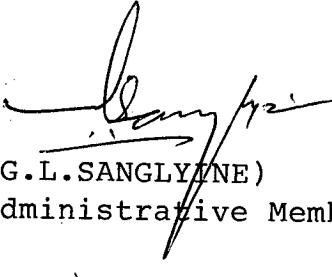
In this application the applicant has challenged the action of the respondents for not giving the retirement benefit accrued to the applicant's deceased father. The applicant claims that she is the only heir of her father late Sunil Chandra Choudhury, but the Railway administration refused to give the

RE

said benefit on the ground that another lady namely Smt. Ranjana Dey and her son Mridul Choudhury are claiming the retiral benefits of late Sunil Chandra Choudhury saying that Ranjana Dey is legally married wife of late Sunil Chandra Choudhury. The applicant however disputes the same on the ground that her father never married said Smt. Ranjana Dey. This matter requires full enquires as to whether late Sunil Chandra Choudhury married Smt. Ranjan Dey and her son Mridul Choudhury was born out of the said wedlock.

2. In view of the above, we dispose of this application with direction to the respondents to decide the matter after taking all evidences. This must be done as early as possible at any rate within a period of three months from the date of receipt of this order. The applicant as well as other claimants may be heard before taking any decision.

3. Considering the facts and circumstances of the case, we however, make no order as to costs.

  
(G.L.SANGLYONE)  
Administrative Member

  
(D.N.BARUAH)  
Vice-Chairman

trd

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

16

Filed by the applicant  
through m. charla  
Advocate  
Q.M.C.

O.A. No. 135 of 1995

Miss Supriya Choudhury

-versus-

Union of India & Ors.

LIST OF DATES

Sl.No.	Date	Particulars	Para	Page
1	23.5.93	Applicant's father died while serving as the Station Superintendent, Bhojo Railway	6 (v)	4
	19.6.93	Station, N.F.Railway. Applicant approached the Divisional Personnel Officer, N.F.Railway, Tinsukia Division for final settlement of all dues of her father in her favour, but came to know that similar claim was made by one Smti Ranjana Dey who claimed herself to be wife of Mr. S.C. Choudhury, the father of the applicant.		
2	4.9.93	The applicant submitted a representation to the Divisional Personnel Officer, N.F.Railway, Tinsukia Division with a request to withhold the payment of all	6 (ix)	6

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1	2	3	4	5
---	---	---	---	---

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~~xxxxxxxxxx~~

till the dispute regarding  
claim is settled and also to  
pass an order requiring  
production of succession  
certificate. (Annexure-A).

3. 21.1.94      Applicant submitted another      6 (x)      7

representation to Divisional  
Railway Manager (P), N.F.  
Railway, Tinsukia Division as  
she did not receive any  
settlement about dues to her  
father.

Applicant also mentioned  
in her representation that said  
Smt. Dey got married with her  
father by executing an affid-  
avit and as such there was  
no valid marriage. The applicant  
also mentioned that said  
affidavit was sworn in on 21.11.90  
and as such there cannot be a  
son ~~max~~ of 10 years born out  
of the alleged wedlock on  
21.1.94. (Annexure-B).

4. 28.1.95      Applicant again submitted a      6 (xi)      8

representation for payment of  
final settlement of dues of  
her father in her favour as she  
is the only successor of her  
father (Annexure-C).

SUBMISSIONS :

The applicant being the only daughter of late Sunil Chandra Choudhury, she is a bonafide claimant of late S.C.Choudhury as legal heir. Therefore the Hon'ble Tribunal be pleased to direct the respondents to release all the final settlement dues due to late S.C.Choudhury in favour of the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक अदायकाल

327  
13 JUL 1995  
Guwahati Bench  
গুৱাহাটী অধিবোৰ

O. A. No. 136/95

Miss Supriya Choudhury .....Applicant

-versus-

Union of India & Ors. .....Respondents

I N D E X

Sl.No.	Annexure	Particulars	Page No.
1	-	Application	1-10
2	-	Verification	11
3	A	Letter Representation dated 4.9.93	12-14
4	B	Representation dt. 21.1.94	15-16
5	C	Representation dt. 28.1.95	17-18

b: W/S  
9- Response

19-26

25-

Filed by :

Manik Choudhury  
Advocate

B  
(B/25/2  
B/21/14)  
6.7.95

19  
Filed by the  
Applicant  
Mr. Choudhury  
12.7.95

1. Particulars of the applicant.

Miss Supriya Choudhury

Daughter of Late Sunil Chandra Choudhury

C/o Sri Jatindra Mohan Sarkar

Kokrajhar Town (Hospital Road)

P.O. & Dist. Kokrajhar

P.I.N. - 783370

2. Particulars of the Respondents.

1. Union of India

Through the General Manager (P)

N.F. Railway,

Maligaon, Guwahati

2. The Divisional Railway Manager (P)

N.F. Railway,

Tinsukia Division,

Tinsukia, Assam.

3. The Chief Personnel Officer,

N.F. Railway,

Maligaon,

Guwahati-11

3. Particulars for which the application is made.

This application is made for payment of final settlement of dues of deceased father of the petitioner who was serving as Ex-Station Superintendent

at Bhojo Railway Station under N.F. Railway. The final settlement of dues payable to the petitioner namely, Provident Fund, Gratuity, ~~Eight months~~ Leave salary and other connective amounts.

4. Jurisdiction :

The applicant states that the case has been arisen within the Jurisdiction of this Hon'ble Tribunal.

5. Limitation :

The applicant states that the case was filed within the prescribed time of Administrative Tribunals Act.

6. Facts of the case :

i) That the applicant is a citizen of India and as such, he is entitled to all rights and privileges guaranteed by the Constitution of India.

ii) That the applicant is the daughter of late Sunil Chandra Choudhury, Ex-Station Superintendent, Bhojo Railway Station, N.F. Railway. The applicant is ~~was~~ only unmarried daughter of late S.C. Choudhury who was serving as Station Superintendent, Bhojo Railway Station under N.F. Railway, Maligaon, Guwahati. Unfortunately the father of the present applicant died in harness on 23.5.93 while in service.

iii) That the present applicant lost her mother long back and her father late S.C.Choudhury managed her to stay at her grandfather's residence i.e. at Kokrajhar Town, P.O. & Dist. Kokrajhar, Assam after the death of the mother of the present applicant for the purpose of proper care and guidance and also for the purpose of better education as the applicant is the only daughter of late S.C.Choudhury.

iv) That late S.C.Choudhury frequently used to visit her daughter at Kokrajhar in the house of her grandfather:

v) That the present applicant on 23.5.93 came to know the sudden death of her father late S.C. Choudhury who expired on 23.5.93.

vi) That after the death of the present applicant's father who personally approached on 19.6.93 to the Divisional Personnel Officer, N.F. Railway, Tinsukia Division, Tinsukia, Assam for final settlement of all dues in her favour. But unfortunately she came to know that one Smti. Ranjana Dey, petitioner claimed for final settlement of dues of late S.C.Choudhury in her favour and Smt. Ranjana Dey claimed to be wife of late S.C.Choudhury and the applicant also came to know that as a result of undue influence of Smti. Ranjana Dey is also appeared as one of the nominees of the dues of late S.C.Choudhury.

Be it stated that during applicant's life time she was ~~not~~ never heard about her father's second marriage. It is only after death of the applicant's father and when she made a bona fide claim to the final settlement dues of her deceased father S.C. Choudhury. It is brought to the knowledge of the applicant that her father married second time with one Srimati Ranjana Dey and Smti. Ranjan Dey is nominated as the receiver of the amount in the event of death while in service her deceased father. It appears that the ~~xxx~~ preferential nominee so appointed her deceased father is likely to be the result of undue influence and coercion and thereby the present applicant to deprive of all the rights and privileges and also the means of livelihood.

vii) That after the death of the applicant's father she (the applicant) sent a telegraphic message addressing the Divisional Railway Manager (Operation) Tinsukia on 3.6.93 and on the same day she also made representation for passing of final dues in her favour.

viii) That the present applicant is apprehending that there may be misrepresentation of facts and ~~thereby~~ are possibilities of exclusion of her name from pensioney benefits and other final settlement ~~some~~ dues. In this connection it may be stated although

the railway authorities has given verbal assurance to the applicant to consider her name for legitimate claim for payment of final settlement of dues.

ix) That the applicant submitted a representation vide dated 4.9.93 to the Divisional Personnel Officer, N.F. Railway, Tinsukia Division, Tinsukia stating in brief the detailed factual position and made a request to withhold the final settlement dues till the disputes regarding the claim of final settlement is settled and also requested to pass an order requiring production of succession certificate or any other certificates to establish the bonafide claim of title to the property of deceased late Shri S.C. Choudhury and further requested to issue a direction in the case of disagreement between the parties in controversy in arriving at any soluation, to refer the matter for decision of any appropriate court of law. It is also requested to make lumpsum payment to the ~~exxionxx~~ applicant for her maintaining and also for education expenses.

A copy of the representation dated 4.9.93 is annexed as Annexure A.

x) That the applicant again submitted a representation dated 21.1.94 addressed to DRM(P) N.F.railway Tinsukia Division, Tinsukia, Assam with reference to her telegram dated 3.6.93, application 3.6.93, 4.9.93 and also with reference to her personal interview

on 19.6.93, 1.9.93 and 6.9.93 in the Chamber of Divisional Railway Manager (P), Tinsukia where assurance was given for release of settlement of dues in favour of the applicant very ~~promptly~~ shortly. But unfortunately the present applicant did not receive any settlement dues till date. The present applicant also mentioned in her representation dated 21.1.95 that she came to know that the alleged second wife Srimati Ranjana Dey got married with her late father by executing an affidavit on 21.11.90. But there was no Registry Marriage and the alledged second wife Srimati Ranjana Dey having a son aged about 10 years who is also now claiming over the final settlement dues as son of late S.C.Choudhury. It is surprising if the marriage performed on 21.11.90 there cannot be a son of ten years of age in the year 1995. Therefore entire story of second marriage of my father appears to be false concocted and just to deprive my legitimate and bonafide claim of final settlement dues of my late father S.C.Choudhury. Therefore is a fit case where the Hon'ble Tribunal should interfere and pass necessary order withholding the final settlement dues till production of/valid succession certificate by Srimati Ranjana Dey and necessary direction also be made for proportionate payment of settlement dues till disputed claim is settled in favour of the present applicant.

A copy of the representation dated 21.1.94 is annexed as Annexure B.

x a) That the applicant beg to state that she never heard about her father's second marriage. Therefore the applicant categorically denies that her father late S.C. Chowdhury, ex-Station Superintendent, Bhojo Railway Station under N.F. Railway got married with Srimati Ranjana Dey and the applicant further categorically denies that her father late S.C. Chowdhury had any son and daughter other than the present applicant. Therefore she is the legal successor to late S.C. Chowdhury and she is entitled to receive all final settlement dues of late S.C. Chowdhury being the only daughter of the deceased late S.C. Chowdhury.

x b) That the applicant further begs to state that if the Hon'ble Tribunal does not interfere in that event the applicant may suffer irreparable loss as she has got no alternative source of earning and the applicant absolutely depend upon the income of her father late S.C. Chowdhury. Therefore the Hon'ble Tribunal be pleased to interfere and direct the respondents to pay all final settlement dues to the present applicant with immediate effect and the Hon'ble Tribunal further be pleased to direct the respondents that if it is difficult before the Railway authorities to pay final settlement dues in favour of the present applicant then entire final settlement dues be withheld till submission of succession certificate as provided under the relevant rule for the purpose of payment of final settlement dues. It is a fit case where the Tribunal should interfere and pass necessary order as deemed fit and proper under the facts and circumstances of the present case protecting the interest of the present applicant.

xi) That the applicant again submitted a representation dated 28.1.95 for payment of final settlement dues in favour of the applicant whereby it is requested to make early payment of final settlement dues in favour of the present applicant. But the railway authorities are silent over the claim of the present applicant. The applicant is apprehending that Srimati Ranjana Dey may obtain the final settlement dues of late S.C.Choudhury by misrepresentation of facts therefore the Hon'ble Tribunal be pleased to interfere in the instant case and direct the respondents to make payment of final settlement dues of late S.C.Choudhury in favour of the present applicant immediately and a further direction be made not to make any payment to final settlement in favour of Srimati Ranjan Dey or the final settlement dues may be withheld till the disputed claim is settled.

7. Reliefs prayed for :

Under the facts and circumstances stated above the applicant prays for the following reliefs :

- i. That the respondents be directed to make payment of final settlement dues of Late Sunil Chandra Choudhury (father of the applicant) due and admissible to the applicant with immediate effect or alternatively, the final settlement dues of late Sunil Chandra Choudhury ex-Station Superintendent of Bhojo be withheld till settlement of dispute regarding bonafide claimant.

ii. To pass any other order/orders as deemed fit and proper by the Hon'ble Tribunal under the facts and circumstances of the case.

The above reliefs are prayed for the following amongst other

- G R O U N D S -

i. That the applicant is the bonaifde claimant of final settlement dues of Late Sunil Ch. Choudhury (father of the applicant) as legal heir.

ii. For that applicant is the only daughter of late Sunil Ch. Choudhury, EX-Station Superintendent of Bhojo Railway Station under the N.F.Railway.

iii. For that the story of second marriage of Late Sunil Ch. Choudhury with Smt. Ranjana Dey is concocted false, and not based on records.

iv. For that Smt. Ranjan Dey and her son/be the legal successors of late Sunil Choudhury under the law and in accordance with Hindu Marriage Acts.

v. For that the applicant is only successor, entitled to receive final settlement dues of late Sunil Choudhury, in accordance with relevant Hindu Law.

vi. For that the final settlement dues should be withheld if the same is paid to the applicant immediately till the dispute regarding bonafide claimant is settled by any appropriate court of law.

vii. For that the applicant has already approached through representation for payment of final settlement dues to the Railway Authorities in favour of the applicant.

8. Interim Relief prayed for :

During the pendency of this case the following Interim Relief is prayed for :

i. That the respondents be directed to make payment of final settlement dues of late Sunil Chandra Choudhury Ex-Station Superintendent, Bhojo Railway Station to the applicant or alternatively to withhold the final settlement dues till dispute is over regarding bonafide claimant is settled.

The above Interim relief is prayed on the grounds mentioned in para 7 of this application.

9. Particulars of the I.P.O.

I.P.O. No. : 885933

Issued from : G.P.O., Guwahati

Payable at : G.P.O., ~~Guwahati~~ Guwahati

Date : 10.7.95

10. List of enclosures :

As stated in the Index

## V E R I F I C A T I O N

I, Miss Supriya Choudhury, D/o late Sunil Chandra Choudhury, resident of Kokrajhar Town (Hospital Road) do hereby verify that the statements made in paragraphs 1 to 10 are true to my knowledge ~~and knowledge~~ and based on records and I have not suppressed any material facts.

And I sign this verification on this the ~~21st day of June~~ 13<sup>th</sup> day of June, 1995.

Supriya Choudhury  
✓ SIGNATURE

## ANNEXURE - A

From : Camp. Miss Supriya Choudhury,  
 C/o Rama Bhawan  
 Khageswar Road, Tinsukia  
 Assam.

To  
 The Divisional Personal Officer,  
 N.F.Railway  
 Tinsukia Division  
 Tinsukia  
 Assam

Dear Sir,

Sub : Controversy regarding nomination of bonafide receiver, so payment referred to herein below to be withheld till right of the parties established.

Ref : Amount payable respecting death of Late Sunil Chandra Choudhury, Station Supdt. Bhojo Railway Station, expired on 23.5.93.

Ref. to the above, I miss Supriya Choudhury, un-married daughter of Late Sunil Chandra Choudhury Station Superintendent, Bhojo Railway Station, most respectfully like-to state you the following for your sympathetic consideration please.

1. That Sir, I was informed of my father's sudden death on 23.5.93 at my Grand Father's residence where I have been sent for proper care and guidance and for higher education as I am the only daughter of Late Sunil Chandra Choudhury and since I lost my mother long back.

2. That Sir, during my father's life time I was not informed of my father's second marriage. It is only after the death of my father and when I made my bonafide claim to the property of my father, it is brought to my knowledge that my father married for second time with one Smt. Ranjan Dey, and nominated her as the receiver of the amount in the event of death while in service of my father.

3. That Sir, the preferential nominee so appointed by my deceased father is likely to be the result of undue influence and coercion and I have been deprived of all the rights and privileges as such my livelihood is jeopardised.

*Attm'd  
Chdhr  
Pav.*

4. That Sir, on being informed of my father's death I sent telegraphic message addressing the D.R.M. (Operating), Tinsukia on 3.6.93 and also on the same day made my earnest prayer by reducing them into writing for ther consideration.

5. Not only this, I physicall appeared before you on 19th June '93 and 1st September, 1993 to discuss and to settle the matter in controvérsy as there is every apprehension of mis-representation and wilful evasion of my existence to the officials involved thereof.

6. That Sir, though assurance is given to me consider in the facts and circumstances by the authorities concerned but I am affraid of my deprivation from my father's property byway of deceitful act of the interested party.

You are, therefore, fervently requested to kindly consider my case and issue an order directing the officials authority concerned to withheld release of death benefit amount etc. till the removal of the controversy.

Also issue an order requiring production of Succession Certificate or any other certificate(s) evidencing the bonafide claim of tile to the property of my deceased father.

Also issue a direction in the case of disagreement between the parties in controversy in arriving at any solution, to refer the matter for decision of the court of law.

Further to this, issue an order directing the officials concerned to make payment of a Lump-sum amount to me towards my maintenance as I have no one to take care of and to bear my educational expenses and expenses of my living except my father who had left for heavenly abode on 23.05.93 and thus grant me justice.

I trust on your excellency and uprightness.

Yours faithfully,

Sd/- Supriya Choudhury  
Legal Heir of Late Sunil Ch.  
Cbbudhury

*Amberled  
Choudhury  
A.W.*

Copy to :-

1. The General Manager, N.F.Railway, Maligaon, Guwahati.
2. The Financial Adviser and Chief Accounts Officer, N.F.Railway, Maligaon, Guwahati.- 11 for your information and necessary action.

Permanent Address of the claimant.

Miss Supriya Choudhury,  
C/o Shri Jatindra Mohan Sarkar,  
Kokrajhar Town (Hospital Road)  
P.O. & Dist. Kokrajhar  
Assam  
P.I.N. 783370.

Sd/- Supriya Choudhury

Attest  
C. W.  
A. W.

To

## ANNEXURE - B

The D.R.M (P)  
N.F.Rly. Tinsukia Division  
Tinsukia, Assam

(Dated, Kkrajhar the 21st January/1994)

Sub : Prayer for payment of final settlement of money of my deceased father Sunil Chandra Choudhury EXSS/Bhojo.

Ref :- My Previous Correspondence Adated (1) Telegram 3.6.93 (22) Application 3.6.93 (3) Application 4.9.93 & also physically appeared before you on 19.6.93, 1.9.93 and 6.9.93 respectively.

Dear Sir,

With reference to the subject Quoted above, I Miss Supriya Choudhury un-married daughter of Late Sunil Chandra Choudhury EXSS/Bhojo who expired on 23.5.93 beg to solocit your kind sanction the final settlement of my father the due's money such as, Provident Fund, G.I.S, Gratuity, 8 months Leave Salary of due any to the legal heir i.e. to me. As per our discussion on 6.9.93 in your office chamber gave me assuarance that the Pension money will be released very shortly but as ill luck would have it the amount has not been paid to me as yeat for which I have been suffering financially as I am totally helpless being my parents both (Father and Mother) are not alive.

In this context, it may be pointed out here that as per my Birth Certificate my age at present 24 years. Subsequently it has come to my knowledge that my late father married a second time by executing an Affidavit dated 21.11.90 but there was no registered deed. Moreover, wherefrom a son about aged 10 years has come although my late father had nominated to me alongwith illegal Second married wife and son.

Now your honour would graciously be pleased and pay me the aforesaid money at an early date.

This is for your information and take necessary action please.

After  
Ans  
ADW

Contd...

Copy to :

1. The General Manager/LAW/Maligaon, N.F.Railway for information and take necessary action please. In this connection a copy of my letter dated 4.9.93 is enclosed herewith for ready reference.
2. The Divisional Accounts Officer/N.F.Rly., Tinsukia Division for information and take necessary action please.

Yours faithfully,

Sd/- Supriya Choudhury  
UNMARRIED DAUGHTER & Legal heir of  
late Sunil Chandra Choudhury,  
EXSS/DHOjo

Permanent Address  
of the claimant:  
Miss Supriya Choudhury,  
C/o Shri Jatindra Mohan Sarkar  
Kokrajhar Town (Hospital Road)  
P.O. & Dist. Kokrajhar, Assam  
P.I.N. 783370

Attn: 1. ed  
2. whole  
3. JV

## ANNEXURE - C

From : Supriya Choudhury  
 C/o Sjt. Jatindra Mohan Sarkar  
 Kokrajhar Town (Hospital Road).  
 P.O. & Dist. Kokrajhar  
 P.I.N. 783370

To

The Divisional Railway Manager/P  
 N.F.Railway, Tinsukia Division.

Dated, Kokrajhar the 28th Jan/95

Sub : Prayer for payment offinal settlement of money of my deceased father Sunil Chandra Chowdhury/Ex.S.S./BHOJO.

Ref : Your letter No. ES-S/280(ES)SN/69 dated 31.10.93 in connection with CPO letter No. E/207/OPT XVIII (C) dated 21.12.93 and reminder No. same dated 10.02.94 issued by CPO/Maligaon.

Sir,

With reference to the above mentioned subject, I Miss Supriya Chowdhury daughter of Ex. S.S./BHOJO Late Sunil Chandra Chowdhury beg to draw your kind attention on the following points to consider the case to make early payment of Provident Fund, Gratuity, 8 month leave salary and others connedtive amount which is legal in due.

That Sir, I beg to state that in this respect I made several correspondences to you to finalise the case but sorry to say that I have not received any satisfactory reply and action from your end. Now, I like to remind you to look into the matter and arrange to make early payment of money to me as legal heir of my deceased father.

It is out of mentioned that I am now in starving position as I have no any alternative way to sustain my life in this hard days of economics.

Therefore, I fervently request you to look into the matter and arrange to make early payment to me. If I do not get any reply from your end then situation compleed me to take shelter in the court of law within 15 days from the receipt of this letter.

This is for your information and take necessary action please.

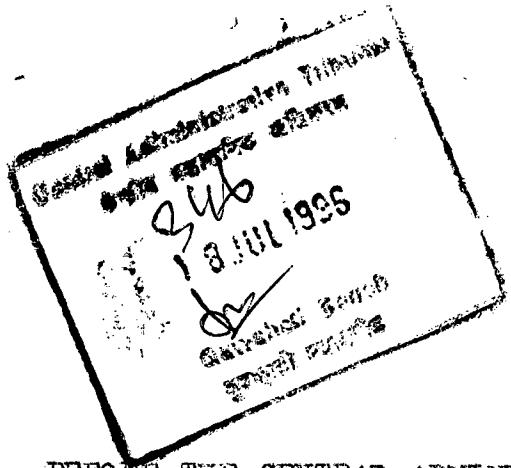
An early action is highly appreciated.

Thanking you, Sir,

Yours faithfully

Sd/- Supriya Chowdhury  
 Unmarried Daughter & Legal Heir of  
 Late Sunil Ch. Chowdhury, Ex-S.S./  
 Bhojo Rly. Stn.

*AKM  
 Supriya  
 Chowdhury*



69

Cited by me respectively  
through

Dr. M. Bhattacharya  
18.7.96  
2. Mr. N.K. Srivastava

K. K. Joshi  
18.7.96

37  
N.P. 10  
S. N. 10  
18.7.96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWA HATI BENCH.

IN THE MATTER OF :

O.A. No. 136/95

Supriya Choudhury ... Applicant.

Vs.

Union of India & Ors. ... Respondents.

AND

IN THE MATTER OF :

Written statements on behalf of  
the respondents.

The answering respondents beg to state as follows :-

1. That the answering respondents have gone through the copy of application on which the above-mentioned case has been registered and have understood the contents thereof.
2. That save and except the statements which are specifically admitted here-in-below, other statements made in the application are categorically denied. Further, the statements which are not borne on records are also denied by the answering respondents and the application is put to the strictest proof thereof.

Copy served

Ctd....2

on Mr. S. L. Sarkar

Advocate.

on date to be given  
to Mr. T. Chandra.

Revised

short  
18.7.96

3. That before dealing with the various contentions raised in the O.A., the answering respondents beg to raise a preliminary objection as regards maintainability of the case before this Hon'ble Tribunal. The applicant has prayed for payment of F.S. dues of Late Sunil Choudhury (her father) purportedly admissible to her and alternatively, to withhold the F.S. due till settlement of dispute regarding bonafide claimant. Thus, the applicant herself admits that there is a dispute regarding bonafide claimant. Going by the averments made in the O.A. as well as the relief sought for, it is most respectfully submitted that the instant O.A. is not maintainable and this Hon'ble Tribunal lacks jurisdiction in such a matter. Further, the applicant is also bad for non-joinder of necessary parties. On these scores alone, the instant application is not maintainable and liable to be dismissed without going into the merit of the case. This preliminary issue may be decided first before entering into the merit of the case. It is respectfully submitted that the applicant got other alternative remedy and the subject matter is not within the jurisdiction of this Hon'ble Tribunal.

4. That with regard to the statements made in paragraph 6(i) and 6(ii) of the application, the answering respondents do not admit anything contrary to the relevant records.

5. That with regard to the statements made in paragraph 6(iii) and 6(iv) of the O.A., the answering

respondents state that they are not aware as to whether the applicant used to live with her grand-father. They are also not aware as to whether late S.C. Choudhury frequently used to visit her at Kokrajher.

6. That with regard to the statements made in paragraph 6(v) of the application, the answering respondents state that it is a fact that late S.C. Choudhury expired on 23.5.93.

7. That with regard to the statements made in paragraph 6(vi) of the application, it is stated that on verification of the office records pertaining to late S.C. Choudhury, it is found that he, during his life-time had executed the nomination of P.F., GIS and DCRG on 26.2.91 while he was in service with his clear signature in witness of 2 (two) serving railway employees. As per the said nomination late S.C. Choudhury has nominated his wife Smt. Ranjana Choudhury (his second wife) for P.F., Group Insurance, DCRG and family pension. According to information furnished by late S.C. Choudhury he got married with his second wife after the death of his first wife and thus, Smt. Ranjana Choudhury is legally married wife of late S.C. Choudhury.

8. That with regard to the statements made in paragraph 6(vii) of the application, it is stated that on receipt of the representation from the applicant all settlement dues have been kept pending for final decision by the competent authority. However, since the matter is ~~not~~ pending

before this Hon'ble Tribunal, no decision has been taken.

9. That with regard to the statements made in paragraph 6(viii) of the application, the answering respondents state that it is a fact that the nomination was executed by late S.C. Choudhury while in service on 26.2.91 in favour of his second wife Smt. Ranjana Choudhury to whom he married after demise of his first wife.

10. That with regard to the statements made in paragraph 6(ix) of the application, it is stated that it is not possible to make any payment to anybody till the case is finalised.

11. That with regard to the statements made in paragraph 6(x) of the application, it is stated that the representations of the applicant have been received but in view of the above-mentioned position, the F.S. dues not possible to be given to the applicant. As regards the apprehension of the applicant regarding second marriage of late S.C. Choudhury, it is respectfully submitted that unless a declaration to the fact that the second marriage was a nullity is obtained by the applicant from a competent court, the respondents are helpless in the matter and they will have to go and process the matter in accordance with the relevant rules and on the basis of the nomination given by late S.C. Choudhury.

12. That with regard to the statements made in paragraph 6(x)(a) of the application, it is stated that as per the papers furnished by late S.C. Choudhury, it appears that he has named apart from Smt. Ranjana Choudhury as wife, 2 others as son and daughter Shri Mridul Choudhury as son and the present applicant as daughter.

13. That with regard to the statements made in paragraph 6(x)(b) of the O.A., the answering respondents while reiterating and reaffirming the statements made here-in-above beg to state that the final settlement dues in respect of late S.C. Choudhury has been withheld and the respondents are waiting for a decision from this hon'ble Tribunal.

14. That with regard to the statements made in paragraph 6(xi) of the application, the answering respondents reiterate and reaffirm the statements made here-in-above.

15. That in view of the facts and circumstances stated above, the instant O.A. is not maintainable and liable to be dismissed.

VERIFICATION

I, Shri P. K. SINGH, aged about 30 years by occupation Railway Servant, working as the Divisional Personnel Officer of the Northeast Frontier Railway, Tinsukia do hereby solemnly affirm and state that the statements made in paragraphs 1 and 2 are true to my knowledge, those made in paragraph 3 to 14 are true to my information derived from the records of the case which I believe to be true and the rests are my humble submission before this Hon'ble Tribunal.

*King*  
26.6.96.  
DIVISIONAL PERSONNEL OFFICER  
NORTHEAST FRONTIER RAILWAY: TINSUKIA  
FOR AND ON BEHALF OF  
UNION OF INDIA.

26.6.96.  
N.F. Ry. Tinsukia.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUNAHATI BENCH

950  
2 DEC 1996  
GUNAHATI BENCH  
GROUP INSURANCE

O.A. No. 136 of 1995

Miss Supriya Choudhury

-versus-

Union of India & Ors.

-And-

In the matter of :

Rejoinder submitted by the  
applicant

The above named applicant most humbly and  
respectfully begs to state as under :

1. That the applicant categorically denies the statement made in paragraphs 3, 4, and 5 of the written statement and further begs to state that this Hon'ble Tribunal is only the appropriate forum where the applicant rightly approached for payment of final settlement dues which is due and admissible to the father of the applicant late S.C. Choudhury. In this connection it may be stated that the apprehension of the applicant is now appears as correct as the Railway Authorities have now admitted in the written statement that name of one Shrimati Ranjana Choudhury has been appeared as one of the nominees as regard G.P.F, DCRG, Group Insurance and for family pension as stated in the paragraph 7 of the written statement. In this connection it may be stated that Shrimati Ranja Choudhury claims herself as second wife of late

28  
Filed by the applicant  
through m - dcl  
2-12-96. Adv.

9/6  
14

Sunil Chandra Choudhury i.e. the father of the applicant. Therefore there was every possibility that the final settlement dues of late S.C. Choudhury would have been paid to Shrimati Ranjana Choudhury if the applicant would not have approached the Hon'ble Tribunal in appropriate time and the Hon'ble Tribunal has adequate jurisdiction to interfere with the grievances of the applicant and this Hon'ble Tribunal have adequate jurisdiction to deal with this matter as the same relates to the payment of final settlement of dues of late S.C. Choudhury who was an employy of the Railway and the settlement be made to his legal heir and this is a fit case where the Hon'ble Tribunal may look into in a apposite case to see that the final settlement dues of a Railway employee is paid to his legal heir and also employer to pass necessary direction by exercising its inherent power. It is categorically denied that there is no other alternative way with the applicant for protection of her rights and interest except to approach this Hon'ble Tribunal.

The applicant in support of her claim that she is the daughter of late S.C. Choudhury beg to enclose Birth Certificate which was registered on 12.1.81 showing her date of birth on 17.10.1969 and permanent residential certificate issued by the Sub-divisional Officer (Civil) Kokrajhar dated 12.1.1983 showing the name of her father Shri S.C. Choudhury and the certificate issued by the Executive Officer, Kokrajhar, Municipal Board, Kokrajhar.

The certificates mentioned above are annexed herewith and the same is marked as Annexures D, E and F.

2. That with regard to the statements made in paragraphs 7, 10, and 11 of the written statement the applicant categorically denies the correctness of the same and further begs to state that late S.C. Choudhury, father of the applicant had never married Shrimati Ranjana Choudhury as such there is no question for payment of any amount to Shrimati Ranjana Choudhury and the applicant also categorically denies that late S.C. Choudhury has got any son~~s~~ namely Mrinal Choudhury as mentioned in paragraph 12 of the written statement which stated to be appeared in the nomination form filled up by late S.C. Choudhury i.e. father of the present applicant. In this connection it may be stated that the present applicant came to know that Shrimati Ranjana Choudhury had filed an ~~xxx~~ Affidavit before the authorities which was sworn on 11.8.94 by Shrimati Ranjana Choudhury before the Magistrate at Tinsukia wherein Shrimati Ranjana Choudhury shown the present applicant as one of the legal heirs. It is stated in the said Affidavit that although she is formally married in a temple on 24.5.90 with late S.C. Choudhury as she was in deep love prior to her formal marriage with late S.C. Choudhury and out of that love and affection a son was born on 8.8.1984 namely Shri Mrinal Choudhury whom Shrimati Ranjan Choudhury shown as one of the legal heirs of late S.C. Choudhury. Therefore the whole story of marriage is concocted and the claim of retirement benefit of late S.C. Choudhury is based on without any ~~document~~ valid documentary evidence. Therefore the claim of her marriage with late S.C. Choudhury cannot get the sanction of law and therefore Shri Mrinal

Choudhury cannot be a legal heir of late S.C. Choudhury and Shri Mrinal Choudhury cannot also be a legal heir of late S.C. Choudhury in accordance with the rules and regulations. The office of the Chief Personnel Officer N.F.Railway, Maligaon vide his letter No. E/207/0 Ptt.VIII (C) dated 21.12.1993 sought certain clarification from the Divisional Railway Manager (P), Tinsukia referring of a letter of the DRM (P) Tinsukia dated 31.10.93 wherein certain queries were made for clarification as regard whether the present nomination is in supersession of the earlier nomination and whether the present nomination contained any office specific acceptance in the appropriate column as appropriate in the nomination form and also sought clarification how 7 years age is shown of the son Shrimati Ranjana Choudhury in the Affidavit dated 26.2.91 when the marriage stated to be performed on 24.5.90. However a reply was furnished by the DRMP (P), Tinsukia vide his letter No. ES-S/280 (PN) dt. 6.1.95 wherein the DRM (P) admitted that in the appropriate col. acceptance of the nomination was not shown but surprisingly it is stated that the same has been accepted by the competent authority with official seal which is contrary to the rule and it is also surprisingly stated in paragraph 3 of the letter dated 6.1.95 that it is a fact that the marriage had been performed on 24.5.90 with Mrs. Ranjana Choudhury as per affidavit issued by the Magistrate, Dibrugarh on 21.11.90/although the marriage was performed on 24.5.90 the age of the son state as 6 years 2 months 28 days at that time and it is also stated in the affidavit that although she had entered into nuptial tie with late S.C. Choudhury on 24.5.90 accor-

ding to social Customs and rites at Dibrugarh but prior to that she was in deep love and affection with late S.C. Choudhury and as a result the son namely Mrinal Choudhury was born on 8.8.84, therefore the whole story /records is without having valid documentary evidence and mere declaration of Shrimati Ranjana Choudhury seems to be concocted and in the facts and circumstances the applicant is only successor of late S.C. Choudhury and entitled to all final settlement dues of late S.C. Choudhury.

3. That the applicant categorically denies the statement made in paragraphs 12, 13, 14 and 15 of the written statement and further begs to state that Shrimati Ranjan Choudhury and Shri Mrinal Choudhury cannot be treated as legal heirs of late S.C. Choudhury for the purpose of payment of final settlement of late S.C. Choudhury and therefore Hon'ble Tribunal be pleased to direct the respondents for immediate payment of final settlement dues to the present applicant, and under the facts and circumstances stated above the application deserves to be allowed with costs.

V E R I F I C A T I O N

I, Miss Supriya Choudhury, D/o late Sunil Chandra Choudhury, resident of Kokrajhar Town (Hospital Road) do hereby verify that the statements made in this amendment application are true to my knowledge and based on records and I have not suppressed any material facts.

And I sign this verification on this the  
day of December 28 December, 1996.

Supriya Choudhury  
Signature

সংবর্ধনা



জন রাষ্ট্র বিভাগ

## জন্ম প্রমাণ পত্র

ইয়াব বাবা সপ্রদাপিত কবা হব বে মিসেলিখিত তথ্য অসম বাজাৰ সেক্রেতারিয়েট

জিলাৰ প্ৰেছক্ষণ কুণ্ডল মন্ত্ৰণা/পৌৰসভাৰ প্ৰিমিট সংস্থা মৌজাৰ অৰ্ডাৰ প্ৰেছক্ষণ কুণ্ডল

পঞ্জীয়ন মোটৰ পঞ্জীয়ন মূল অভিলেখৰ পৰা সংগ্ৰহীত কৰা হৈছে।

নাম প্ৰেছক্ষণ প্ৰাপ্ত পাণ্ডিত পুত্ৰ  
পৰ্মা/হোমালী সেক্রেতারিয়েট

পঞ্জীয়ন নং ৩০৩

পঞ্জীয়ন তাৰিখ ১৯৮৫ চন ৮ মাহ

পিতৃ/মাতৃৰ স্বামী

ঠিকানা কাহুড়ে পুনৰ্জন্ম পুত্ৰ নং ১

জন্ম বছান প্ৰেছক্ষণ কুণ্ডল মন্ত্ৰণা

পিতৃ/মাতৃৰ নাম প্ৰেছক্ষণ পুত্ৰ নং ১

পিতৃ/মাতৃৰ আতি প্ৰেছক্ষণ

জন্মীকৰণ কৰ্ত্তৃকৰ ছৰি

পৰ্মা/হোমালী সেক্রেতারিয়েট

তাৰিখ ১৯৮৫ চন ৮ মাহ

পৰ্মা/হোমালী পোষণ নথি

Dated 1985, 8th August  
মুক্তি দিবস ১৯৮৫ সন ৮ মাহপৰ্মা/হোমালী  
পোষণ নথি

All signed  
Administrator of Panchayat  
Chairman, District Council  
and Panchayat  
15/6

মুখ্য পঞ্জীয়ন কৰি

/Copy/

Annexure-E

OFFICE OF THE SUB-DIVISIONAL OFFICER : (CIVIL) : KOKRAJHAR

PERMANENT RESIDENTIAL certificate

This is to certify that Shrimati Supriya Choudhury daughter of Shri Sunil Chaudhary Town Kokrajhar (Hospital Road) P.O. Kokrajhar P.S. Kokrajhar in the District of Goalpara is a permanent resident in the State of Assam.

/SEAL/

Sd/- Illegible

Sub-Divisional Officer (Civil),  
Kokrajhar 12.1.83

*Arindel  
Choudhury  
J.W.*

TO WHOM IT MAY CONCERN

This is to certify that Shri Jatindra Mohan Sarkar S/o Late Gayanath Sarkar of Kokrajhar Town (Hospital Road) - Ward No. 6, P.O., P.S. & District Kokrajhar (Assam) is the grand Father and a Legal Gurdian of Miss Supriya Choudhury, D/o Late Sunil Chandra Choudhury.

Dated, Kokrajhar,  
the 23rd November/93

Sd/- Illegible 23.11.93

~~Sd/-~~ Additional Deputy Commissioner  
Executive Officer, Kokrajhar,  
Municipal Board, Kokrajhar

6.

(Office Round Seal)

/SEAL/

23.11.93

*J. H. M. S.  
M. D. C.  
D. M.*



Filed in Court  
on 16-11-1990

*Harshad Choudhury*  
Court Master  
16/11/90

IN THE COURT OF THE MAGISTRATE AT DIBRUGARH.

Dated, Dibrugarh the 21st November, 1990.

AFFIDAVIT.

1. We, Sri Sunil Chandra Choudhury Son of late Basanta Kumar Chowdhury, resident of Bhojo, P.O. Bhojo Sonari, District Sibsagar, aged about 49 years, by Occupation Govt. Servant (in Railway Deptt.).

AJD

2. Smti. Ranjana Dey (Choudhury) D/O. Sri Harshnath Dey, Resident of Naliapool Tin-Ali, P.O. P.S. & District Dibrugarh, aged about 35 years, by occupation house-wife do hereby solemnly affirm and declare on oath as follows :-

1. \_\_\_\_\_ That both of us are major in age.  
2. \_\_\_\_\_ That we do not fall within the prohibitory degrees according to the Hindu Marriage Act. in force.

3. \_\_\_\_\_ That we got our marriage performed on the 24th day of the month of May, One thousand Nine hundred Ninety years at Naliapool, Dibrugarh according to Hindu rites through " Sapta Padi " portha.

4. \_\_\_\_\_ That now we have been leading peaceful conjugal lives.

5. \_\_\_\_\_ That none of us will divorce each other.

That the statements made in para  
No. .

*Sri 16/11/90*  
*16/11/90*

Page No. 2.

VO

Nos. 1 to 5 are true to our knowledge & belief.

*Plaintiff by  
and Plaintiff*

*and Plaintiff*

1. Suresh Chandra

2. Ramprasad Choudhury  
Deponents

Signed & sworn before me by the above-named  
Deponents on being Identified by Sri K.S. Islam,  
Advocate, Dibrugarh on this the 21st. day of  
November, 1990.

*W.S. 2/11/90*  
M a n i s t r a t o r.

Dibrugarh.

(Sri P. Choudhury, M.A.M.A.)  
Deputy Commissioner  
DIBRUGARH (M.S.A.M.A.)

*Attached*

*10/10/95*

*Car. No. 112  
Att. T. S. Choudhury  
Dibrugarh  
10/10/95*

## DECLARATION OF FAMILY MEMBERS

I, Surjya Kumar Choudhury, do hereby declare that the following are the only members of my family and I am entitled to benefits of family pension scheme, 1971 as amended from time to time and that no such member has been left out from this declaration.

1. Name of the family members Relationship, Date of birth and of the wife and the children was born from.

Mr. Surjya Kumar Choudhury	Age	31 yrs (and wife)
Madhulika Choudhury	Age	27 yrs
Surjya Kumar Choudhury	With daughter	21 yrs - (Real money expenditure expenses)
5		
6		
7		
8		
9		
10		
11		

- 3 -

I further declared that I have no judicially separated or divorced surviving wife.

AcceptedAttested:

Surjya  
56/91  
26.2.91  
SPOK S.P.C.

Attested

Surjya  
10/91  
Asstt. Personnel Officer  
N.C. Rely, Tinsukia  
N.F. Rly. Tinsukia

Surjya Kumar Choudhury  
Signature of the employee

Designation: SSPAGDate: 26.2.91

## NOTIFICATION FOR ORDINARY GRANT MADE TO RAILWAY EMPLOYEES.

When the Railway servant has a family and wishes to nominate his dependant(s).

I hereby nominate the persons mentioned below as my dependant(s) and desire that the sum of Rs. 10/- may be sanctioned by Government in the event of my death while in service and the right to receive on my death any gratuity or pension I may become admissible to me on retirement may remain unimpaired for them.

Name & Relationship of dependant(s) I nominate & their address with railway of the servant.

Yash Chandra wife  
73 Jagirhat  
Ranch  
Ranpurkhan  
Cal-63

1116

(1) Mrs. Jagrati Chandra widow  
of Jagirhat  
(2) minor children  
see

This nomination will remain in force until the date of my death (Date) when it will stand cancelled.

Signed the

11th August 1995

1. N. General Ass'tt
2. N. Assistant Secy/Off

11th August 1995  
Date of nomination

Signature

Designation

Station

Asstt Personnel Officer

पू.सी. रेड्डे, सिनसुप्पिया

M. A. M. T. Misukia

It is to be clearly understood that the nomination made above is not valid unless the stamp of the concerned authority is affixed thereto.

I acknowledge and declare that the name has been duly placed on account

of the above nomination.



## Nomination for benefits under the Central Government Employees Group Insurance Scheme, 1980

When the Government servant has a family and wishes to nominate one member or more than one member thereof.

I hereby nominate the person(s) mentioned below who is/are member(s) of my family, and confer on him/them the right to receive to the extent specified below any amount that may be sanctioned by the Central Government under the Central Government Employees Group Insurance Scheme, 1980 in the event of my death while in service or which having become payable on my attaining the age of superannuation may remain un-paid at my death.

Names and address of no. nominees	Relationship with Government servant	Age	• Share to be paid to each.	Contingencies in the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominees shall pass in the event of his predeceasing the Government servant

1. *Parvaneh Choudhury wife signs full right to receive the amount of the group insurance*  
*4/1/83, Parvaneh, Choudhury*  
 2. *HITA, Parvaneh, Choudhury*  
 3. *Parvaneh Choudhury*  
 4. *Parvaneh Choudhury*

B The Government servant should draw line across the blank lines below his first entry

to prevent insertion of any names after he has signed.

Dated this day of 19 at

Signature of two witnesses:

1. *Parvaneh Choudhury, ASW/RC/*

2. *Parvaneh Choudhury, ASW/RC/*

*Parvaneh Choudhury, ASW/RC/*  
 Signature of Government Servant.

\* This column should be filled in so as to cover the whole amount payable under the Insurance scheme:

*Attached*

*11/10/95*

*1. 1000/-*  
 2. *500/-*  
 3. *500/-*  
 4. *500/-*



BEFORE THE MAGISTRATE ::::::: AT TINSUKIA.

DT. 11/08/94.

A F F I D A V I T.

I, SRIMATI RANJANA CHOWDHURY, w/o Late Sunil Chandra Chowdhury, Ex-Station Superintendent / Bhojo Rly. Station do hereby solemnly affirm and declare on oath as follows : -

1) That my husband LATE SUNIL CHANDRA CHOWDHURY was working as Station Superintendent / Bhojo Rly. Station under DRM/TSK, NF Rly, who expired on 23/05/93 leaving behind the following heirs who are still alive today.

<u>Sl. No.</u>	<u>Name.</u>	<u>Relationship.</u>	<u>Date of Birth.</u>
1.	Smti. Ranjana Chowdhury	- Wife	- 02-09-1943.
2.	Smti. Supriya Chowdhury	- Daughter of 1st. wife.	- 17-12-1969.
3.	Sri Mrinal Chowdhury	- Son	- 08/08/84.

2) That there is no any other legal heirs of Late Sunil Ch. Chowdhury.

3) By swearing this Affidavit I do hereby declare that I entered into a nuptial tie with Late Sunil Ch. Chowdhury on 24/05/90 according to social custom and rites (at Dibrugarh). Prior to this said marriage we were in deep love and affection with each other and out of that we married in a temple (Kali Bari) at Dibrugarh by exchanging garlands and since then I resided with Late Sunil Chowdhury as husband and wife. Out of the said union a male child was born to me on 08/08/84, and he was taken as legitimate issue of Late Sunil Ch. Chowdhury though he was born out of social wed-lock.

4) That during the life time of my deceased husband Sunil Chowdhury he mentioned the name of my son Sri Mrinal Chowdhury as nominee in nomination form in good faith.

Seen  
Jnu  
11-8-94.  
1st Class, TINSUKIA  
Judicial Magistrate

(Contd... P /2).



- (2) -

5) I do hereby further declare that in the matter of settlement of all dues of my deceased husband even pensionary benefit is withheld on the plea of son's birth date. Now the matter is left at the disposal of competent authority.

The statement made from para 1 to 5 are true to the best of my knowledge, information and belief, nothing is false or concealed. It is further submitted that I shall be liable for the legal action if any thing is discovered to be false.

Identified by : -

( K.P. Agarwalla),  
Advocate, Tinsukia.

Ranjana Choudhury  
D E P O N E N T.

Solemnly affirm and declare on oath by the abovenamed deponent who has signed this affidavit in two sheets and duly identified by Sri K.P. Agarwalla, Advocate, Tinsukia on this the 11th. day of August, 1994.

*Attested*

Subordinate Magistrate  
1st Class, Tinsukia  
MAGISTRATE,  
TINSUKIA.

10-95  
Court of Session  
Sub. P. of C. 1997  
Tinsukia  
Assam