

50/600

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-136/95 Pg. 1 to 12
2. Judgment/Order dtd. 06/01/99 Pg. 1 to 2 Disposed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 136/95 Pg. 1 to 17
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
7. W.S. Pg. 1 to 6
8. Rejoinder. Pg. 1 to 16
9. Reply. NIL Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

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.)
MSG. PETN. NO. OF 1995 (IN OA NO.)

...Smt. S. Choudhury..... APPLICANT(S)

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

FOR THE APPLICANT(S)

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

FOR THE RESPONDENTS

...MR. B.K. Sharma
Ry. Bch.

OFFICE NOTE

DATE

ORDER

14.7.95

Application is in
form and within time.
E. F. of Rs. 50/-
deposited vide
IPO/BD No. 885933
dated 10.7.95

for 13/7/95

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, Bhojo 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

②

Q.A 136/95

Requisites are read 4.8.95
on 18/7/95 & send vide
no. 3112-14 & 19.7.95

by
19/7

Notice served on
R. no. 1 & 3.

by
20/7

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.

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.

rkcm
by
7/8/95

Member

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 conti-
nue till disposal of show cause.

Copy order d. 8-5-95
issued & all concerned
v. no - 4021-24 & 14-9-95

by
18/9

Member

pg

Notice served on
R. no. 1, 2 & 3.

by
19/9

by
11/9

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 late Sunil Chandra Choudhury, Ex-Station Superintendent, Bhajo Railway Station.

Order communicated
vide no 5108-5112 dtd. 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

1) The case is ready
as regards service
of notices
2) W/ statement has not
been filed

W/1

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.

W/ statement has not been filed
19/2
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 of 16-2-96 sent
11.12.434-36 of 20.2.96
19/2
1m
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.

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.

2 Counter has not been filed
17/6
Member

pg

Member

Member

62
Member

62
Member

1318

8/10

6

Notice duly served on
O.P. Nos 1-3

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.

Member

trd

12/9

20.9.96

None present.

Hearing adjourned to 1.10.96.

Member

trd

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.

Member

trd

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.

Member

nkm

15/10

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) Rejoinder has not been
fwd.
3) A/Statement has been fwd.

12/9

1) Rejoinder has not been fwd.
2) A/Statement has been fwd.

15/11

2.12.96
written statement
has been filed
in the applicant.

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.

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.

Member

nkm

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, New Railway, Maligaon and letter of DRM (F) Tinsukia vide No. ES-S/280(PN) dated 6.1.95 is also relevant to be produced and the respondents may be directed to produce the same.

Pl. comply.

20/12

20.12.96

Copy of order dtd 19.12.96 issued to the counsel of parties

By

15-1-97

Case is Ready for hearing.

By

Case ready as regards service

15.1.97

Copy of order dtd 16.1.97 issued to the concerned Respondent No 1, 2, 3.

By 15/1-97

photocopies as mentioned in order of 16.1.97 as per.

10/1

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.

Member

trd
16/1

10.2.97

Let this case be listed on 14.2.1997.

Vice Chairman

nkm

13-3-97

14.2.97

The case is ready for hearing.

List for hearing on 14.3.97.

Vice-Chairman

trd
18/2

14-3-97

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

Vice-Chairman

trd.
17/3

16.5.97.

Left over. List on 13.6.97 for hearing.

Vice-Chairman

pg.
20/5

16.6.97

Adjourned list on 20.6.97.

By order

16/6/97

(9)

OA. 136/95

16.6.97

Adjourned. List on
20.6.97.

19.6.97

By order.

M/16/6

1) Memo of appearance
not yet filed.

2) As per written statement
and rejoinder the case
is ready for hearing.

JL

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 rejoinder
has been filed.

nkml

24/6

8.8.97. Adjourned to 11.8.97.

By order.

8-8-97

Memo of appearance
filed by Mr. B.K. Sarma,
Rty. Counsel.

11.8.97 Passed over for the day.

By order.

~~12.8.97. Pass over for the day.~~
Borr.

12.8.97. Adjourned to 5.9.97.

By order.

5.9.97. Adjourned to 3.10.97.

By order.

W/s. and rejoinder
has been filed.

3.10.97 Adjourned to 5.12.97.

By order.

W/s. and rejoinder has
been filed.

26/12

5.12.97

On the last occasion while arguing the case the applicant made a submission before this Tribunal that the original ~~applicants~~ 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

Sh. 27
6.12.97

pg
NS
8/12
at 3:30 p.m.

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.


Vice-Chairman

lm
NS
15/12

8.12.97
Copy of order add.
5.12.97 issued in
the respondent No. 3
ad Mr. J.L. Sarkar, R/o
Counsel as per court
direction.

12/12
w/s and Respondent
sum h/w
11/12

W/S and rejoinder
has been filed.

by
19/12

19.12.97 Adjourned to 6.2.98.

By order
by

The case is ready
for hearing.

by
5/2/98

6.2.98 Adjourned to 27.3.98.

By order
by

27.3.98 There is one single Bench
to-day. Adjourned to 15.5.98.

By order
by

W/S and rejoinder has
been filed.

by
26/3

W/S and rejoinder has
been filed.

15.5.98 Adjourned to 24.7.98.

By order
by

38

24.7.98

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

39


Vice-Chairman

W/S and rejoinder has
been filed.

by
23/7

W/S and rejoinder has
been filed.

by
31/9

nkm

28
27/7

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

W/S and rejoinder has
been filed.

by
17/9

pg

29

18.9.98 Adjourned to 23.10.98.

By order
by

23.10.98

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

[Signature]
Vice-Chairman

nkm

20.11.98

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

by order,
[Signature]

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.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

MS
3/12/98

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.

[Signature]
Member

[Signature]
Vice-Chairman

lm

MS
23/12/98

25.1.99

Copies of the Judgment have been sent to the D/Sec. for forwarding the same to the parties through Regd. with A.D.

Issued vide Despatch No. 405 to 408 dt. 5-2-99

cap
26-3-99

6.1.99

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.

[Signature]
Member

[Signature]
Vice-Chairman

5-1-99
Written statement & Rejoinder has been filed

MS
5/1/99

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.).

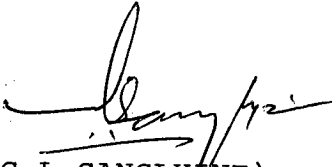
In this application the applicant has challenged the action of the respondents for not giving the retirement benefit accrued to the applicant's deceased father. The applicant claims that she is the only heir of her father late Sunil Chandra Choudhury, but the Railway administration refused to give the




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.SANGLYNE)
Administrative Member


(D.N.BARUAH)
Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 134 of 1995

Miss Supriya Choudhury

-versus-

Union of India & Ors.

16
Filed by the applicant
through Mr. Chanda
Advocate.
D.L.G.

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

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

~~xxxxxxx~~

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 representation to Divisional Railway Manager (P), N.F. Railway, Tinsukia Division as she did not receive any settlement about dues to her father. | 6 (x) | 7 |
|----|---------|---|-------|---|

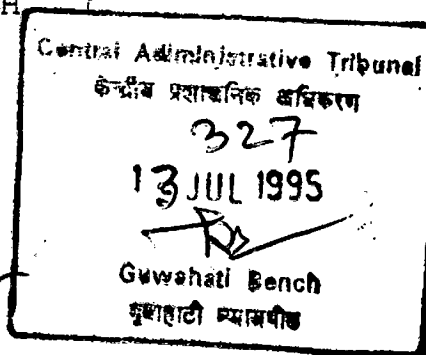
Applicant also mentioned in her representation that said Smt. Dey got married with her father by executing an affidavit and as such there was no valid marriage. The applicant also mentioned that said affidavit was sworn in on 21.11.90 and as such there cannot be a son ~~xxx~~ of 10 years born out of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

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

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



19
Filed by Mr.
applicat. m-gh.
advocate
12.7.95

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
6.	W/S		19-24
7- Regarder			25-

R
Cm
Bent/KH
6.7.95

Filed by :

Manik Choudhary
Advocate

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 ~~has~~ 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 ~~xxx~~ 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 she 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 ~~preference~~ 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 there~~are~~ are possibilities of exclusion of her name from pensionary benefits and other final settlement ~~sums~~ 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 solution, to refer the matter for decision of any appropriate court of law. It is also requested to make lumpsum payment to the ~~petitioner~~ 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 ~~particular~~ 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 alleged second wife Srimati Ranjana Dey having a son aged about 10 years who is also now claiming over the final settlement dues as sone 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.Showdhury.

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 banaifde 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.
~~cannot~~ cannot
- 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 Reflief 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 a-bove 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

30

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 based on~~ and based on records and I have not suppressed any material facts.

And I sign this verification on this the ~~13th~~ 13th 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.

*Attested
@
Adv.*

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 their consideration.

5. Not only this, I physically appeared before you on 19th June '93 and 1st September, 1993 to discuss and to settle the matter in controversy 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 afraid of my deprivation from my father's property by way 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.
Choudhury

Attested
@
Adv

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

Attested
@wiler
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 dated (1) Telegram
3.6.93 (2) 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.

Attested
Adv

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,

Permanane Address
of the claimant:

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

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

Att. Fed
@mha
ASV

REGISTERED WITH A/D

17

36

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 of final 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 connective 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 compelled 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.

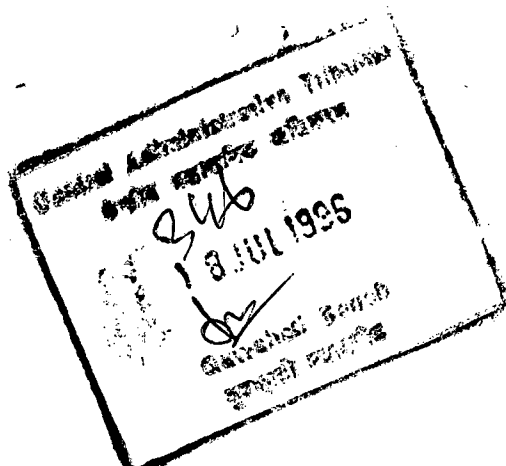
An early action is highly appreciated.

Thanking you, Sir,

Yours faithfully

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

*Att-Ad
Chd
A2N*



19
Filed by me
Dr. M. K. Sanyal
18.7.96
37
N.F.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI 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.

Ctd....2

Copy Served
on Mr. J. L. Sarker
Advocate.
on date to be given
to Mr. T. Chanda.
R. N. S. S. S.
18.7.96

22
38
12/1/1960

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 application 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

Ctd....3

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

Ctd....4

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.

Ctd....5

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....6

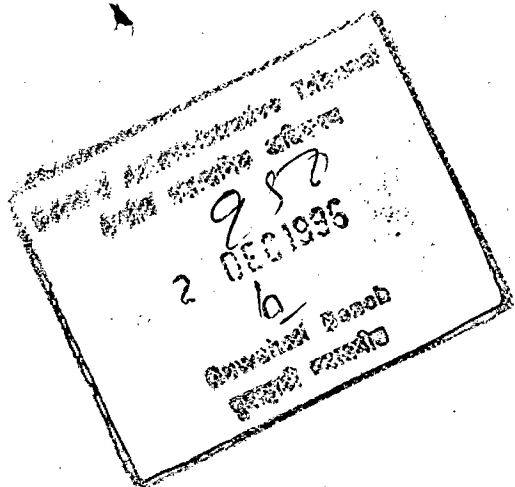
VERIFICATION

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.

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

26.6.96.
R.F. RY. TINSUKIA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



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
steaement 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 Insuarance and for family
pension as stated in the paragraph 7 of the written state-
ment . In this connection it may be stated that Shrimati
Ranja Choudhury claims herself as second wife of late

Contd...P/2

52
Filed by the applicant
Prasanna M. Choudhury
2-12-96. ADV.

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 employ 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 appropriate 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 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 ~~xxxx~~ 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 and it is also stated that 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 ~~XXXX~~ 2nd December, 1996.

✓
Supriya Choudhury
Signature

জ স ম ড ণ ষ



ଜେ. ବାହା ବିତାମ୍ବ
ଜନ୍ମର ପ୍ରାୟ ୫୦

ইয়াৰ বাৰা সন্মানিত কৰা হয় যে নিৰ্দ্ধাৰিত তথ্য অসম ৰাজ্যৰ হোজকাৰ আৰু
 তিলাৰ হোজকাৰ আৰু বগুৰা পৌৰসভাৰ শদিয়া মন্দিৰ মোজাৰ অন্তৰ্গত হোজকাৰ আৰু
 গভীৰন মোজাৰ গভীৰ মল অভিযন্তাৰ পৰা সংগঠিত কৰা হৈছে।

নাম শ্রীমতী সুপ্রিয়া দেবী
 পিতা/স্বামীর নাম শ্রী বাবু

59-50-47.2

302

পঞ্জীয়ন তারিখ: ১৯৮৫-৮৬

ପିତୃ/ମାତୃବ ହାସ୍ତୀ

दिना. १५/०५/२०२० ३३६ नं. २३

স্বাধীকৃত্য কর্তৃপক্ষ চহী
পদবী প্রদত্ত হইয়াছে
তারিখঃ ১৮/১১/১৯০৬

Attested

Director of Federal
Bureau of Investigation
Washington, D.C.

মুখ্য পণ্ডীতগণ চৰী

/Copy/

Annexure-E

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

PERMANENT RESIDENTIAL certificate

This ~~is~~ to certify that Shrimati Supriya
Chaudhury 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

Attended
Chh
AW

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

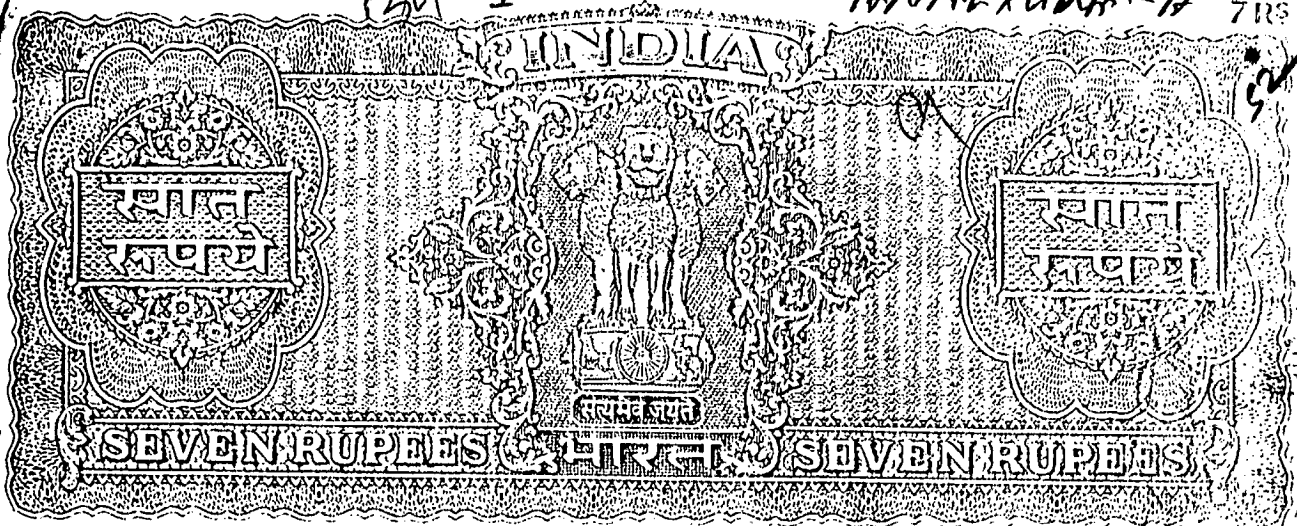
6.

(Office Round Seal)

/SEAL/

23.11.93

Attested
Value
SDN



Filed in Court
on 16-1-1997

Handwritten
Court Master
16/1/97

IN THE COURT OF THE MAGISTRATE AT DIBRUGARH.

Dated, Dibrugarh the 21st. November, 1990.

A F F I D A V I T.

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.).

A N D

2. Smti. Ranjana Dey (Choudhury) (D/O. Sri Harshonath 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 ages.
2. _____ That we donot 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 tives.

5. _____ That none of us will divorce each other..

That the statements made in para

No..

Handwritten signature and date: 21/11/90

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

1. Suresh Chandra Choudhary

2. Rangana Choudhary
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 .

Magistrate.
Dibrugarh.
(Sri P. C. Choudhary)
DIBRUGARH (ASSAM)

Attended

11/10/95
Sd/-
Joint District Collector
Dibrugarh

DECLARATION OF FAMILY MEMBERS

I hereby declare that the following are the only members including the inmates of family pension scheme, 1971 as amended, who have been put out from this declaration.

Name of the family members Relationship Date of birth of the wife when the children was born from

Mr. Jaganmohan Choudhary	Self	1970 (and wife)
Mr. Jaganmohan Choudhary	Self	1970
Supriya Choudhary	1st daughter	21/7/70 - (Late Supriya Choudhary expired in 1987)

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

Attested:

Attested

Signature of the employee

Designation: 55/10/98

Date: 26.2.91

Asstt. Personnel Officer
पू.सी. रेडवे, तिनसुकिया
N.F. Rly. Tinsukia

NOMINATION FOR ORDINARY GRANT 1920 IN RETIREMENT STATUS

When the Railway servant had a family and wished to marry, he

I hereby nominate the persons mentioned above, who in my opinion are worthy, healthy, and capable of performing the duties of the said office, and may be sanctioned by Government in the event of my desire to have them in service and the right to receive on my part any gratuity or allowance having become admissible to me on retirement now payable under the said laws.

Time & Relationship
Address with delivery
of the servant.
number:

Civilization's... on the hope... ing of... the nomadic... shall be... ing...

...the ...
...the ...
...the ...
...the ...
...the ...
...the ...
...the ...
...the ...

your handwriting is
7/2 finger print
Thakurpukur
Cal-63

1112

(1) main *Asymptotic* *symmetrical* *equal* *series*
(2) minor *Asymptotic* *seen*

This evaluation was prepared for the U.S. Environmental Protection Agency (EPA) and is not intended to be used for any other purpose. The EPA is not responsible for the accuracy or completeness of the information provided in this report. The EPA is not responsible for the accuracy or completeness of the information provided in this report.

Subd the _____ of _____

Letter 100 to signatory:

Hubert Somers Asst/Sec

S. N. Mishra - LGCC/Proj

RECEIVED: 1997-05-27

DATE: 11/11/1964

100-443887-100

THE UNIVERSITY OF CHICAGO

Подпись: Ирина

2000.0000

55. 4. 1. 2019

Asstt Personnel Officer

पू.षी. रेहवे, तिनसुफिया
अ.न.पू. तिनसुफिया

and that of the young Communist's mother also dated
 nomination to the position in respect of PWS Commission in 1941-1942-1943

As further evidence of the same has been only placed on

CCO: 11

1) *Agave Chamaecladus* type 2370 *draca* 11.11. (1) *Agave Chamaecladus*
peripylat *Blanc* *francois* *francois* *francois*
Thakurpudra *full* *francois* (2) *Agave Chamaecladus*
cal-63 *francois* *francois*

Date 24.2.91

- Note: 1. Column should be filled in so as to cover the whole amount at credit.
2. The words 'pension' and the words in brackets shall be struck off if only one person is nominated.
3. Where a subscriber is not a Hindu, Mohammedan, Jain or any other person accepted for the operation of the Hindu Succession Act, 1956 (XXXIX) of 1956 (the Act) then shall the will stand cancelled in its entirety on his death (the marriage).

Atleahua

[Signature] 16-10-95

✓

1931 10 10

29
CM
B

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 nominee/nominees	Relationship with Government servant	Age	Share to be paid to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the Government servant
---------------------------------------	--------------------------------------	-----	--------------------------	---	---

1. *Sanjay Choudhary wife Smt. full 1/2 share to Sanjay Choudhary*
Alta, Preet Singh
Recd
(1/2 share to Sanjay)
2. *Arjun Kumar*
3. *Chellu*

B The Government servant should draw line across the blank space below his last entry to prevent insertion of any names after he has signed.

Dated this _____ day of _____ 19____ at _____

Signature of two witnesses:

1. *Major General ASM/BOT*
2. *S. R. Mishra RGR/BOT*

[Signature]
Signature of Government Servant.

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

Attended
[Signature]
11-10-95

[Stamp]
1. *[illegible]*
2. *[illegible]*
3. *[illegible]*
4. *[illegible]*



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 : -

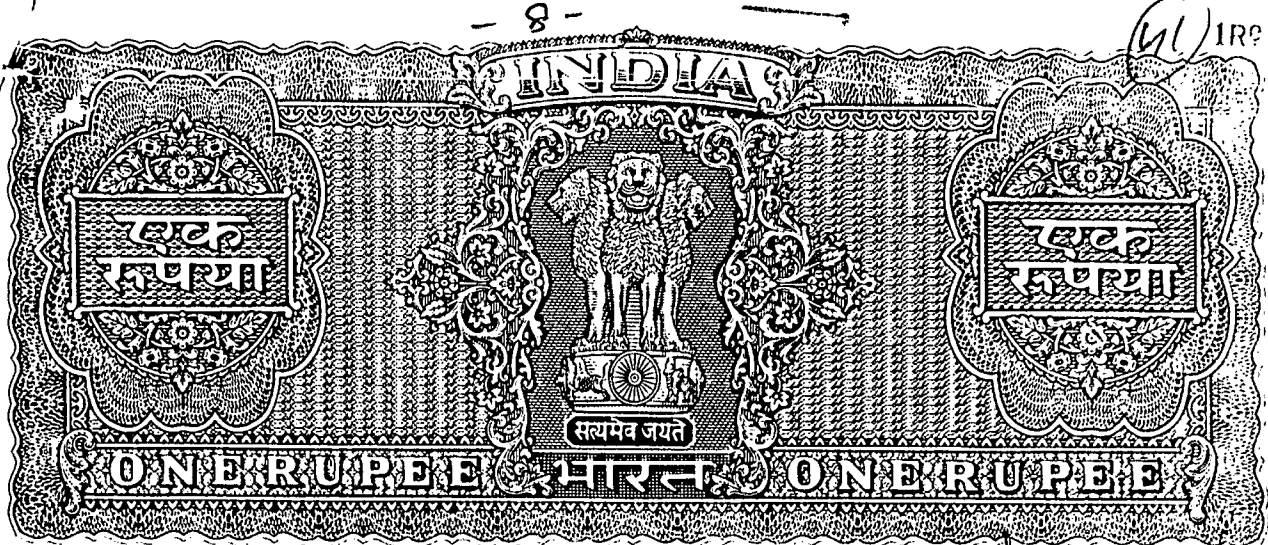
- 1) That my husband LATE SUNIL CHANDRA CHOWDHURY was working as Station Superintendent / Bhojo Rly. Station under DRM/TSK, NF Rly, who expired on 23/05/93 leaving behind the following heirs who are still alive today.

<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	- 17-12-1969.
		of	
		1st.wife.	
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
by
11-8-94.
Judicial Magistrate
1st Class, TINSUKIA

(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 Choudhary
DEPONENT.

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.

Attest

Subdistant Magistrate
1st Class, TINSUKIA
MAGISTRATE,
TINSUKIA.

Attest
Asstt. P. for C. Secy
Govt. Secy to Govt.
Tinsukia