

**Central Administrative Tribunal
Madras Bench**

OA 310/01050/2018

Dated Monday the 6th day of August Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. R.Ramanujam, Member(A)
&
Hon'ble Shri. P. Madhavan, Member (J)**

B. Syed Habib
No. 134, Old Bazar Street
Arakkonam
Vellore District – 631 001. .. Applicant

By Advocate **M/s. R. Prabhavathy**

Vs.

1. The Divisional Railway Manager
Chennai Division
Southern Railway, Chennai – 600 003.
2. The Senior Divisional Personnel Officer/Welfare
Office of the Divisional Railway Manager
Personal Branch, Chennai Division
Southern Railway, Chennai – 600 003. .. Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following relief:-

“To direct the respondents to disburse the retirement benefits of the applicant including family pension, DCRG, commutation, leave salary, CGEGIS and PF immediately without any further delay”

2. It is submitted that the applicant had retired from service on 31.05.2013.

His superannuation dues have not been settled till date. The applicant made a representation dated 19.04.2016 to the competent authority in this regard to which he was given a reply dated 06.05.2016 stating that his request for settlement of dues, restoration of pension and issue of service certificate could not be considered at the moment as his case was pending before the Sub-ordinate Judge Court, Ranipet. Accordingly he was advised to approach the Court for disposal of his case and advise the outcome thereof to the office for taking further necessary action.

3. Learned counsel for the applicant would submit that there was no interim direction from the Civil Court to withhold the applicant's dues and as such the respondents had no authority to withhold the terminal benefits merely for the reason that there was a Civil case pending against the applicant. Accordingly he would seek a direction to the respondents to release his terminal benefits.

4. Mr. P. Srinivasan takes notice for the respondents.

5. We have considered the matter. It is not in dispute that the case is pending in the Sub-ordinate Judge Court, Ranipet in respect of dispute raised by his wife seeking maintenance. Release of terminal dues as well as full regular pension might prejudice the case and might even render it infructuous, unless the Civil Court was satisfied that such release of terminal dues could be permitted in the given circumstances. Accordingly we are of the view that the respondents have not committed any error in advising the applicant to obtain orders from Civil Court.

6. We do not consider this a fit case for interference when the Civil Court is already seized of the dispute between the applicant and his wife in which the terminal benefits due to the applicant from the respondents are at stake. Accordingly this OA is dismissed with a direction to the applicant to seek relief from the Civil Court.

(P. Madhavan)
Member (J)

AS

06.08.2018

(R.Ramanujam)
Member(A)