

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No.O.A.350/01356/2016

Date of order :27.09.2016

Present : Hon'ble Justice Mr. V.C. Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

MURSIDA BIBI SARDAR & ORS.

-VERSUS-

UNION OF INDIA & OTHERS

For the applicants : Mr. T.K. Biswas, counsel

For the respondents : Mr. S.K. Das, counsel

ORDER

Per Mr. Justice V.C. Gupta, J.M.

Heard Id. counsel for the applicant and Id. counsel for the respondents.

2. The applicants are claiming the benefits of post retiral dues of the deceased employee, Amir Ali Sardar. For ready reference the reliefs sought in this O.A. are set out herein below :-

"a) An order directing the respondents to release the share of the death cum retirement benefits of the deceased employee in favour of the applicants because they are one of the legal heirs of the deceased employee and according to Hon'ble Tribunal's order dated 15.7.15 as all formalities were completed by the respondents now the respondents have no right to withhold the same till today, in illegal manner; as they are entitled to get the same with interest for delayed payment;

b) And to pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper;

c) Leave may be granted to move this application jointly under Section 4(5) of the C.A.T. Procedure Rules 1987."

3. This Tribunal passed an order on 15.07.2015 in R.A.350/00011/2014(Annexure A-7, page 27 of O.A.). Operative portion of the said order is reproduced herein below:-

"2. With consent of all the sides, the R.A. is disposed of with a direction upon the respondents to give a chance of personal hearing to all the parties by issuing notice to them well in advance and disburse the payment as per their share in accordance with the prevalent Railway (Pension) Rules. The respondents shall give a notice within one month and thereafter two months time is granted to them to observe necessary formalities and a further one month's time is granted to disburse the payments.

3. The R.A. is accordingly, disposed of. No costs."

4. According to the applicants, they have complied with the above order and completed all the formalities whereas the respondents submitted that the applicants have not completed all the formalities in pursuance of the order of this Tribunal.

5. A settlement has to be made between all the parties before the competent authority of the Railways. It is submitted by the respondents' counsel that only three persons approached the authorities, therefore, the delay is on the part of the claimants who failed to make a settlement before the competent authority in this matter.

6. However, if the applicants who are the claimants cannot file a settlement made by all of them, within a month from today, the respondents will not oblige to disburse the amount and will deposit the same in some interest bearing account. The amount shall be paid as and when the claimants(applicants) will settle the dispute amongst them before a competent civil court.



7. The O.A. is accordingly disposed of. No order as to cost.

(J. Das Gupta)
Administrative Member
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(Justice V.C. Gupta)
Judicial Member