

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 110 of 2016

This the 27th day of March, 2018

Hon'ble Mr. Justice V.C. Gupta, Member-J

Brij Bhushan Mishra, aged about 29 years, S/o Late Ramanuj Mishra, R/o Village & Post Jagatpur, P.S. Hazurpur, Tehsil Kaiserganj, District Bahraich

.....Applicant

By Advocate : None

Versus.

1. Union of India through through Divisional Railway Manager, (Personnel), North Eastern Railway (NER), Lucknow.
2. Senior Divisional Personnel Officer, North Eastern Railway, (NER), Lucknow, U.P.
3. Senior Section Engineer (Work) North Eastern Railway (NER), Gonda District Gonda, U.P.

.....Respondents.

By Advocate : Sri D.K. Mishra.

O R D E R (Oral)

None appeared on behalf of the applicant even on the revised call. Heard the learned counsel for the respondents and perused the records. This O.A. is matured for final hearing and can be disposed of on the basis of pleadings and material available on record under Rule 15 of CAT (Procedure) Rules, 1987.

2. The short question involved in this case is that the applicant, who is nephew of the deceased employee, was directed to seek succession certificate to get the retrial benefits of deceased employee as he was not shown to be legal heir of the deceased employee in the service record. The applicant applied for succession certificate before the competent court of law. In the process, the Court required the amount in respect of which the succession certificate is required. It has been submitted by the counsel for the respondents that the amount of DLI payable to the applicant was amounting to Rs. 30,128/-, but due to typing error, mistakenly the Clerk issued the certificate in respect of DLI mentioning the amount of Rs. 3,01,278/-. This mistake was detected later-on. An

application has been moved for correction before the Civil Court, which is said to be pending. The applicant is not the employee. If the department says that the mistake was typographical error by pointing out the correct figure, the correctness of the statement given by the department cannot be doubted unless and until it is proved that the amount mentioned of Rs. 3,01278/- is correct. Mere issuing the certificate regarding payment due of DLI amount by the office for the purposes of issuing succession certificate does not make the applicant entitled to get the wrong amount mentioned especially when the mistake is apparent on face of record.

3. Accordingly, in absence of any material placed on record on behalf of the applicant regarding correctness of the amount given by the Clerk that the DLI amount of Rs. 3,01278/- is due, the O.A. is liable to be dismissed and is accordingly dismissed. No costs.

(Justice V.C. Gupta)
Member-J

Girish/-