

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01302/2016

Dated Thursday the 10th day of January Two Thousand Nineteen

CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)

G.Mohanalakshmi,
34-19-2, North Railway Station Road,
Thiruvottiyur post,
Chennai 600019.

....Applicant

By Advocate M/s. Aparna Nandakumar

Vs

1.The Assistant Personnel Officer (Settlement),
Chennai Division, Southern Railway,
Chennai 600003.

2.The Senior Divisional Personnel Officer,
Chennai Division,
Southern Railway, Chennai 600003.

3.The Senior Divisional Financial Manager,
Chennai Division,
Southern Railway, Chennai 600003.

4.The Chief Personnel Officer,
Chennai Division,
Southern Railway, Chennai 600003.

5.Union of India,
rep by General Manager,
Southern Railway, Chennai 600003.

....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 reliefs :

"To direct the respondents herein to grant the terminal benefits of the applicant's husband late G. Gajendran. Ex. Head Booking Clerk, SMR/O/GPD/MAS Dn/S.Rly and pass such other order or orders as this Hon'ble Central Administrative Tribunal, Madras Bench may deem fit and proper in the circumstances of the case and thus render justice."

2. The grievance of the applicant is that the terminal dues and family pension of her late husband G. Gajendran who died on 07.04.1996 had not been paid to her. The applicant had filed OA 1462/2011 which was disposed of by this Tribunal by an order dt. 30.11.2011 directing the respondents to consider her representation and pay all the settlement dues of her husband in accordance with the rules if she was eligible for the same. However, Annexure A4 impugned order dt. 08.12.2011 (date wrongly mentioned as 08.02.2011) was passed rejecting her claim on the ground that the inquiry conducted by a Welfare Inspector did not produce any tangible results and, therefore, the applicant had to produce any document available with her to prove her status as the widow of late Shri. Gajendran and also evidence that the said Gajendran was in the employment of the Railways.

3. Learned counsel for the applicant would submit that the applicant produced whatever records were available with her to support her claim. Annexures A1 & A3 correspondence in this regard mentioning the name of the applicant's husband was relied on to establish that the said G. Gajendran was in

the employment of the respondents. Further, the applicant had obtained a Civil Court decree that she was the bonafide legal heir of the said employee and a copy of the Civil Court order and decree was made available to the respondents by Annexure A14 and Annexure A13 letter dt. 05.03.2012. Thus, the material produced before the respondents was sufficient to establish that the said Gajendran was employee of the respondents and the applicant is legally wedded wife. Accordingly, the applicant is entitled to payment of terminal benefits and family pension, it is contended.

4. Learned counsel for the respondents would, however, contest the arguments and submit that on the applicant's own admission, her husband had sought voluntary retirement before his death. No satisfactory explanation is contained in the OA of the inaction on the part of the applicant from the death of her husband in 1996 till the year 2011. Further, from the correspondence it appeared that the said Gajendran was absent from duty for a long time without prior sanction and it was intended to take disciplinary action against him. It is possible that he might have been dismissed or removed from service and accordingly held to be not eligible for any pension. As no documents are available with the Railways, it would be impossible to ascertain if the terminal dues of the applicant's husband had been paid and if not, the reasons therefor. In the absence of any evidence to the contrary, it must be presumed that the respondents would have acted fairly and reasonably with regard to the claims of the said Gajendran at the relevant time, it is contended.

5. It is further submitted that respondents would even now be willing to reconsider the case of the applicant provided tangible evidence is produced by her coegently explaining the reason for the delay as also documents that indicate the final outcome of the proposed inquiry against the said Gajendran for unauthorised absence.

6. I have considered the facts of the case. It appears that the applicant had produced whatever documents are available in her possession to the respondents. If any more documents can be traced out, it would be in her interest to produce them also to the respondents. The respondents on their part could perhaps carry out an intensive search for documents relating to the said employee even at this point of time, although it could be somewhat time consuming. If records had been weeded out, the appropriate entries in the register concerned would show which records had been weeded out and whether the documents regarding the said Gajendran were also weeded out or not.

7. In view of the above, I deem it appropriate to dispose of this OA with a direction to the applicant to produce whatever additional documents she might have to support her case. Further, the respondents shall also carry out a detailed search of documents relating to the said Gajendran so as to arrive at a conclusion whether the applicant's husband was an employee of the Railways and if so, whether the manner in which his services with respondent department ended warranted payment of terminal dues/pension as also whether any payments were made during the lifetime of the said employee. The entire

exercise shall be completed and a reasoned and speaking order shall be passed within a period of six months from the date of receipt of a copy of this order.

8. OA is disposed of with the above direction.

(R. Ramanujam)
Member(A)
10.01.2019

SKSI