

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/46/2018

Dated this Wednesday, the 13th day of March, 2019

CORAM: DR. BHAGWAN SAHAI, MEMBER (ADMINISTRATIVE)
R.N. SINGH, MEMBER (JUDICIAL)

Brahmanand Jurakhan Verma, Age 60 years,
 Ex SSE/OHE/BCT under Sr. DEE/Sub/BCT,
 Residing at : 202, Sitaram Apartment,
 Chakradhar Nagar, Nallasopara (West),
 Dist: Palghar, Maharashtra 401 203.
 (By Advocate Shri A.V.Shinde)

.. ***Applicant***

VERSUS

1. Union of India through its General Manager,
 Western Railway, Churchgate, Mumbai 400 020.
2. Divisional Railway Manager, Western Railway,
 Divisional Office, Mumbai Central, Mumbai 400 008.
3. Senior Divisional Personnel Officer,
 DRM's Office Compound, Western Railway,
 Mumbai Central, Mumbai 400 008.
4. Senior Divisional Finance Manager,
 DRM's Office Compound, Western Railway,
 Mumbai Central, Mumbai 400 008. ... ***Respondents***
 (By Advocate Shri V.D.Vadhavkar and Ms. Sangeeta Yadav)

ORDER (Oral)

Per : R.N. Singh, Member (Judicial)

Heard the learned counsels for the parties.

2. The applicant who is stated to have taken Voluntarily Retirement with effect from 04.05.2015 while working as Senior

Sectional Engineer under the respondents has approached this Tribunal under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs :-

"8.i. To pay settlement dues at the suitable interest along with hundred times financial losses mentioned herein para 4.7.3(iii).

8.ii. To pay for mental harassment caused to Applicant.

8.iii. To pay cost.

8.iv. To such other order or direction which may deem necessary in the matter on the facts and circumstances."

3. In response to the notice issued by this Tribunal, the respondents have filed reply, submitting that :-

"2)(a). Facts of the case in brief are that Applicant, Shri Brahmanand Jurakhan Verma Sr. SSE(OHE) under Sr DEE(S) BCT retired voluntarily from Railway Service with effect from 4/5/2015.

(b). The settlement documents were executed by him for disbursing the settlement dues. As per Form No.6 and Affidavit dt.27/7/2010 furnished by him, he has mentioned that his first wife Smt. Shashi expired on 30/10/1999. He has two sons viz. Anupam and Anmol from wedlock with her.

(c). Further he has mentioned the name of Smt. Urmila as second wife as per re-marriage after death of his first wife in the Form No.6 and affidavit dt. 27/7/2010 furnished by him.

(d). On 3/8/2015, DRM(E)BCT received letter from Smt. Kusum claiming maintenance and nominee as family pensioner being his legally wedded wife enclosing a copy of Hon'ble Court Order delivered by

Family Court Kanpur dt.24/1/2007.

(e). On scrutiny of the case, it was noticed that an amount of Rs.3000/- p.m. was being recovered till November 2014 towards attachment from his salary.

(f). From the above, it is revealed that the ex employee had concealed the fact of his third marriage with Smt. Kusum which he had not disclosed to Railway Administration while in service or even at the time of executing settlement documents.

(g). The ex employee had submitted vide his letter dt. 8/9/2015 that Smt. Kusum was already married before re-marriage with him and he has filed Court case against her.

(h). The ex employee was given a Notice on 26/8/2015 by the Divisional office, as to why suitable action could not be taken against him for not disclosing the facts.

(i). This being a disputed case of more than one claimant, legal opinion was obtained and as per the legal opinion, the Provident Fund was released on 14/1/2016.

(j). Apart from the above, for finalisation of other settlement dues, Shri Brahmanand Jurakhan Verma is not co-operating with the Railway Administration by not executing the settlement papers in favour of his legally wedded second wife, hence the settlement dues could not be finalized."

4. Shri V.D.Vadhavkar, learned counsel for the respondents on the basis of the reply filed by the respondents submits that the respondents are always diligent and ready to settle the retiral dues of the applicant and issue the Pension Payment Order in accordance with the relevant rules.

However, the applicant is not cooperating in finalization of his settlement papers. Certain official documents are required to be completed by the applicant but they are not being done by the applicant.

5. In response to the aforesaid submission of the Respondents, the applicant has referred to document dated 26.03.2012 annexed with the rejoinder showing that the applicant had given his family details.

6. The learned counsel for the respondents submits that admittedly his family details had been given by the applicant way back in the year 2012 whereas the applicant has taken a voluntarily retirement on 04.05.2015. Therefore, the applicant is required to submit necessary documents about the latest details of the family to the Department, which the applicant has not done.

7. The learned counsel for the applicant and the applicant who is present in Court are not in a position to show any documents based on which the applicant is claiming that whatever is required at the end of the

applicant has already been done by him for settlement of his retiral dues and pension.

8. In view of the above, OA is disposed of with a direction to the applicant that in case he wants expeditious settlement of his retiral dues and issuance of Pension Payment Order (PPO), he should do the needful in accordance with rules and instructions.

9. The learned counsel for the applicant under instructions from his client submits that the applicant shall complete all the necessary formalities in the aforesaid matter within two weeks and shall also furnish all necessary information being sought by the respondents for settlement of his dues.

10. Shri V.D.Vadhavkar, learned counsel for the respondents submits that the applicant may report to the respondent No.3 i.e. Senior Divisional Personnel Officer on any working day between 11:00 AM to 01:00 Pm and in case the applicant approaches the respondent No.3 for doing the needful with regard to completion of necessary formalities for settlement of his dues and

pension, the respondent No.3 is directed to do the needful and the Competent Authority shall pass the necessary orders in accordance with the relevant rules and instructions within eight weeks from the date of completion of the formalities at the end of the applicant.

11. In the aforesaid terms, OA is disposed of.

12. In the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

14/03
Jd.