

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHIOA/051/01051/2018Date of Order:- 07.01.2019**C O R A M**

HON'BLE MR. JAYESH V.BHAIRAVIA, MEMBER (JUDL.)

HON'BLE MR. DINESH SHARMA, MEMBER (ADMN.)

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1. Lila Devi, aged about 69 years, wife of Shiv Prasad Ram.
  2. Shiv Prasad Ram, aged about 72 years, son of Late Jhojha Ram.
- .....Applicants.

By Advocate:- Mr. Saurabh Shekhar.

Vs.

1. The Union of India through its Chairman, Railway Board, having its office at Rail Bhawan, Raisina Marg, New Delhi-110 011.
2. Director General (Personnel), Railway Board, Ministry of Railway, Govt. Of India, New Delhi.
3. General Manager, East Central Railway, Hajipur, PO & PS-Hajipur, District-Vaishali (Bihar).
4. Divisional Railway Manager, Kasturba Nagar, Dhanbad, PO & PS-Dhanbad, District Dhanbad.
5. Additional Divisional Railway Manager, Kasturba Nagar, Dhanbad, PO & PS-Dhanbad, District-Dhanbad.
6. Chief Personnel Officer, East Central Railway, Hajipur, PO & PS-Hajipur, District-Vaishali (Bihar).
7. Chief Accounts Officer, Kasturba Nagar, Dhanbad, PO & PS-Dhanbad, District-Dhanbad.

By Advocate:- Mr. Prabhat Kumar, Standing Counsel.**O R D E R(ORAL)**

**Jayesh V.Bhairavia, Member (Judl.):-** Heard the learned counsel for the applicant as also the counsel for the respondents.

2. In the present OA, the applicant claims to be brother of late Mathura Prasad, who was an employee of Indian Railways. In pursuance of a disciplinary proceeding late Mathura Prasad was

removed from service in 2006. Subsequently, he died in 2012. Thereafter, on the basis of one Power of Attorney drawn on stamp paper of Rs.50/- dated 20.12.2011, the present applicant has moved this Tribunal by way of this OA claiming all the legitimate dues of his deceased brother. It is stated that since he is not maintaining good health, he could not approach this Tribunal well in time. He has also filed a Misc. Application praying for condonation of delay in filing the instant OA on the ground of his ill health as also on the ground that he was waiting for outcome of several representations submitted to the respondent authorities.

3. On the other hand, the learned counsel for the respondents submitted that the deceased employee i.e. Mathura Prasad was removed from service in the year 2006 and till his death i.e., in the year 2012, neither he had made any claim about any dues, nor he had filed any case before this Tribunal. Further, before passing the final order of removal from his service, a show cause notice was issued to him. During his life time late Prasad had never raised any grievance about non payment of terminal benefits or any such dues pending to him. Therefore, the present application filed by his brother is without any substance or merit.

4. Heard learned counsel for both the sides and perused the material on record. On examination of record it reveals that since the deceased employee was removed from service in the year 2006, he was not entitled for any terminal benefits. There is no material on record about any appeal being preferred by late Mathura Prasad

during his life time against the said removal order. The present applicant, who claims to be the brother of late Mathura Prasad, cannot be allowed to agitate this matter merely on the ground of having Power of Attorney in his favour to claim all the legitimate dues of his deceased brother. As such, there is nothing on record to substantiate the said claim. The OA is stale in nature.

5. In view of above, the OA, being devoid of merit, is dismissed. The condonation petition also stands disposed of.

Sd/-  
(Dinesh Sharma)/M(A)

Sd/-  
(Jayesh V.Bhairavia)/M(J)

skj