

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/00206/2016

Date of order : 15.2.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

PARBATI HANSDA & ANR.

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicants : Mr. P.C. Das, Counsel

For the Respondents : Ms. S.D. Chandra, Counsel

ORDER (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the petitioner and the Ld. Counsel appearing for the respondents at the admission stage.

2. It is not in dispute that the petitioner who is a legally wedded wife has been nominated by the deceased in the papers of Provident Fund and 100% amount ought to have been paid to her in case of death of the employee.

3. The deceased is Gopal Hansda, who died in harness on 24.2.2013 leaving behind his wife. This fact is not disputed and has been admitted by the respondents' Counsel.

4. It has been submitted that a lady claiming to be the second wife is asking the money of Provident Fund.

5. It is strange that the competent authority who is meant to disburse the amount to the legal heirs of the deceased in terms of papers furnished by the employee during his lifetime, acted contrary to the same and directed the nominee wife to obtain a succession certificate.

6. In view of the above facts there is no need to ask for the reply of respondents and this petition may be disposed of at this stage.

7. In our mind, it is beyond jurisdiction of the competent authority. The person other than, named in paper executed in life time of deceased employee, if claims the amount may get his title established before competent Civil Court and only then such person may ask for the amount.

8. In view of the above, the impugned order directing the petitioner to obtain succession certificate is set aside. The competent authority shall ensure that the amount of GPF and other pensionary benefits which accrued to the persons entitled in accordance with law in the light of paper executed by the deceased employee be paid within a period of two months from the date of communication of this order. The person nominated shall hold the money as trustee for all the legal heirs ~~legal heirs~~ of deceased employee.

9. If the order is not complied with within the aforementioned time then cost shall be payable by the respondents to the petitioner.

10. The O.A. is, accordingly, disposed of at the admission stage.

(Jaya Das Gupta)
Administrative Member

(Vishnu Chandra Gupta)
Judicial Member

SP