

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1752/1999

Thursday, this the 1st day of March, 2001.

HON'BLE SHRI M.P. SINGH, MEMBER (A)

1. Achal Sisodia
W/o Late Bhupinder Singh Sisodia,
R/o D-32, (3rd Floor);
Lajpat Nagar, Phase-IV,
Amar Colony, New Delhi.
2. Anshu Sisodia,
D/o Late Bhupinder Singh Sisodia,
R/o D-32, (3rd Floor);
Lajpat Nagar, Phase-IV,
Amar Colony, New Delhi.
3. Ankit Sisodia,
S/o Late Bhupinder Singh Sisodia,
R/o D-32, (3rd Floor);
Lajpat Nagar, Phase-IV,
Amar Colony, New Delhi.

(Both through their next friend and guardian
Achal Sisodia)

..Applicant.

(By Advocate : Shri Sanjeev Sahay)

VERSUS

Union of India through

1. Commissioner of Delhi
Police Headquarters,
I.P. Estate,
New Delhi.
2. Deputy Commissioner of Police
Police Control Room,
Sarai Rohilla, Delhi.

..Respondents.

(By Advocate: Shri Ajesh Luthra)

O R D E R (ORAL)

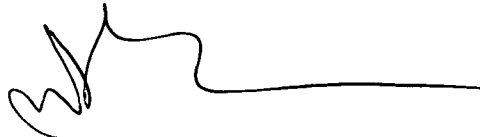
By Shri M.P. Singh, Member (A):-

Applicants three in number, have filed this OA under Section 19 of the Administrative Tribunals Act, 1985, praying for directions to the respondents to grant family pension, Death-cum-retirement gratuity and other retiral benefits with 18% interest thereon.



2. The brief facts of the case are that husband of the applicant No.1 Late Shri ASI Bhupinder Singh Sisodia, 4593/D was enlisted in Delhi Police as Constable w.e.f. 16.8.1974. He was promoted as Head Constable w.e.f. 14.5.1982 and as ASI w.e.f. 28.4.1992. He completed his probation period in that rank on 28.10.1994. He was the patient of liver damage for the last two years and expired on 14.6.1999. After his death, his mother Smt. Rajwati Devi approached the office of the respondents alongwith the death certificate and an affidavit signed by Smt. Achal Sisodia. On examination and scrutiny of the character roll of the deceased by the respondents' it was found that Mrs. Achal Sisodia, who has claimed to be the wife of the deceased, has not been shown as wife by the deceased in his record nor did he show the children of Mrs. Sisodia to be that of his children as she had not been nominated by the deceased for the payment of DCRG, CGEIS, DPMW Scheme etc. The deceased had nominated his mother Smt. Rajwati for the pensionary benefits.

3. Smt. Achal Sisodia, applicant No.1 submitted an application in the office of the respondents on 6.7.1999 claiming therein to be the wife of the deceased and legal heir of late ASI Bhupinder Singh. As per her claim, their marriage was solemnised on 20.12.1981 as per Hindu customs, and two children were born from their wedlock. She has attached some supporting documents as a token of proof i.e. photographs of marriage, photocopies of Identity Card



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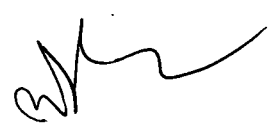
issued by the Election Commissioner and birth certificates of her children issued by the School Authority, all showing the deceased to be her husband. She had also requested that family pension and other terminal dues in respect of late Shri Bhupinder Singh Sisodia be paid to her.

24

4. After receipt of the representation of the applicant No.1 the matter was examined by the respondents. While the matter was being examined by the respondents, the applicants have filed this OA. The Tribunal in its interim order dated 12.8.1999 directed the respondents to release the family pension, DCRG etc. In pursuance of the Tribunal's order dated 12.8.1999, the respondents have granted family pension to applicant No.1. As regards the payment of Pensionary benefits with DCRG, GPF etc. the respondents have directed the applicant No.1 and also the mother of the deceased ASI Bhupinder Singh Sisodia to obtain the succession certificate from the competent court so that these benefits may not be released to an unauthorised person.

5. Heard both the rival contesting parties and perused the records.

6. During the course of the argument, learned counsel for the applicants submitted that the nomination made in favour of the mother is a forged one which was disputed by the learned counsel for the




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25

respondents. In any case, it is not for the Tribunal to decide this issue and the same has to be decided by the Civil Court.

7. In view of the above position, I am of the considered view that the directions given by the respondents to the applicant No.1 and also the mother of the deceased ASI Bhupinder Singh to obtain a succession certificate from the competent court are in accordance with the rules and instructions.

8. In view of the aforesaid facts and circumstances, there is no merit in the OA and the same is accordingly dismissed. No order as to costs.


(M.P. SINGH)
Member (A)

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