

Central Administrative Tribunal
Principal Bench, New Delhi

O.A. No. 1024/1998

New Delhi, this the 13th day of April, 1999

Hon'ble Shri R.K. Ahooja, Hon'ble Member (A)

D

Smt. Sunita Devi
W/o Shri Panna Lal
C-66A, J.J. Colony, Inderpuri,
DelhiApplicant
(Advocate: Shri O.P. Sood)

Versus

1. Union of India
Service through Secretary,
Ministry of Defence, South Block,
New Delhi 110 011.
2. OIC Records,
Corps of Military Police Records,
Bangalore - 560 025
3. Commanding Officer,
Western Command Provost Unit,
Chandimandir - 134 107. Respondents

(Advocate: Shri Mohar Singh)

O R D E R

U/P
O~
The applicant claims that her husband Shri Panna Lal was employed as a civilian Washerman with Western Command, Provost Unit, Chandimandir when he disappeared on 1.9.1994 from his place of duty. Since then there has been no trace or information regarding Shri Panna Lal. The applicant states that in accordance with the instructions of the Government contained in O.M. No.1/17/86-P&PW dated 29th August, 1986 she be paid the amount of salary due, leave encashment and the GPF as also DCRG and Family Pension be settled in her favour.

2. The Respondents have raised a preliminary objection that the applicant Smt. Sunita Devi is not the wife of Shri Panna Lal. They have produced a copy of the service record of Shri Panna Lal in which it is noted that his first wife Smt.

11

Bato Devi on whose death in August, 1975, he married one Smt. Bharati Devi D/o Shri Isher. The nomination for family pension was also changed in the name of Smt. Bharati Devi.

3. In her rejoinder the applicant has denied the allegation of the respondents. She submits that she was married to Shri Panna Lal on 15.9.1982 and of the wedlock two children were also born who are presently studying in class 7th and 3rd respectively. She had also been residing with her husband who was also drawing ration for applicant and their children. It has also been pointed out that during the course of the inquiry the respondents themselves had addressed their communications to the applicant at her Delhi address, clearly indicating that they were fully aware of the marital relationship of the applicant to Shri Panna Lal.

4. Shri Mohar Singh, learned counsel for the respondents, pointed out that the applicant had been dismissed from service in 1996 on account of his unauthorised absence from duty. The applicant Smt. Sunita Devi had lodged a complaint with the police regarding Shri Panna Lal being untraced only in 1997. Shri Panna Lal was habitual in remaining absent from duty. In the circumstances, no reliance could be placed on the submissions of the applicant.

5. It is obviously not possible for this Tribunal to decide as to whether or not the applicant is the wife of Shri Panna Lal. It seems, however, that the respondents themselves are not sure of the position as they have been making enquiries from the applicant regarding the whereabouts of Shri Panna Lal. Even in the disciplinary proceedings (Annexure R-10) the

Q

Presenting Officer has stated as per exhibit No.1A that a letter was addressed to the home address of Shri Panna Lal with a copy "to his wife Smt. Sunita Devi, H.No.C-66-A, Jai Colony, Inderpuri, New Delhi His wife Smt. Sunita Devi had informed that her husband Shri Panna Lal does not stay with her at New Delhi." In these circumstances, the only direction that can be issued is that the respondent No.3 should have an enquiry conducted regarding the claim of the applicant and thereafter decide as to whether she had been accepted in the records as the wife of Shri Panna Lal. If in the result of the enquiry the claim of the applicant is found to be acceptable then action should be taken to review the result of the disciplinary enquiry and accord the applicant the benefit as provided in Govt. of India O.M. No.1/17/86-P&PW dated 29th August, 1996. This should be done in a period of four months from the date of receipt of this order.


(R.K. Aboja)
Member(A)

.sc.