

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.1520 of 1995

New Delhi this the 20th day of March, 1997

(5)

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Sugar Singh
S/o Shri Manohar Singh
R/o 21/245(O), Prem Nagar,
New Delhi.Applicant

By Advocate Shri Ashok Gurnani

Versus

1. Union of India through
the Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi.
2. The Directorate General of Works,
Central Public Works Department,
CPWD,
Nirman Bhavan,
New Delhi.
3. The Chief Engineer (E),
C.P.W.D.,
Vidyut Bhavan,
New Delhi.Respondents

By Advocate Shri V.S.R. Krishna

ORDER (ORAL)

Hon'ble Mr. K. Muthukumar, Member (A)

On the applicant reported missing on 30.03.1986, the matter was registered with the Police. As there was no further trace of the applicant, the respondents granted family pension to the wife of the applicant on 8.2.1988 and the applicant's son was also given a job of Group 'D' employee on compassionate ground. The applicant reappeared on the scene and

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attempted to join the previous service. On coming to know that the applicant had surfaced again, the respondents suspended the payment of family pension pending the disposal of his representation for reinstatement in Government service. The contention of the applicant is that his 21 years of service has been wiped out and although he is entitled to be reinstated, respondents are not taking any decision in the matter and hence he has filed this application.

The respondents have contested the application and have averred that consequent on the disappearance of the applicant and his whereabouts not being known, the applicant was presumed to have died and family pension was accordingly sanctioned as a matter of concession although respondents could have waited for at least 7 years under the relevant provisions of the Indian Evidence Act. However, the respondents made a concession in this behalf and sanctioned the family pension in order to enable the family to survive. The applicant's son was also given a compassionate appointment. They, therefore, contest that on his reappearance, the respondents have no cause of action at all and the question of reinstatement of the applicant does not arise.

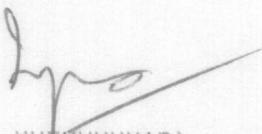
(V)

After making submissions for sometime, the counsel for the applicant prayed for sometime to file an additional affidavit after ascertaining the present stand of the applicant. The learned counsel submitted that the respondents have not even revived the family pension. The respondents have already stated in their counter-reply that the plea of the applicant for continuation of the family pension will be considered and decision to this effect will be taken after the disposal of this O.A. The learned counsel for the applicant today submitted at the Bar that he has consulted the applicant and has instructions to submit to the Tribunal that the applicant will be satisfied if the respondents revive the payment of family pension with all the arrears thereon and he will not seek any further reliefs, as claimed in this application. The learned counsel for the respondents, on instructions, submitted that early action would be taken by the respondents to revive the family pension from the date it had become due with arrears.

Having taken note of these submissions, this application is disposed of with the direction to the respondents to revive the grant of family pension sanctioned to the wife of the applicant from the day it was suspended and allow the payment of arrears and pay

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the arrears upto date within a period of 3 months from the date of receipt of a copy of this order and the respondents are also directed to continue the ^{payment of} family pension as before. In the circumstances, there shall be no order as to costs.



(K. MUTHUKUMAR)
MEMBER (A)

Rakesh