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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA.No.178/95

Dated this the 21st day of February, 1995

Shri. N.V. Krishnan, Hon. Vice Chairman(A)
Dr. A. Vedavalli, Hon. Member(J)

Smt. Sushila Devi,
W/o Late Shri H.B. Kishore,
R/o 1579, Sector 'C', Pocket-I,
Vasant Kunj, New Delhi ...Applicant

By Advocate: Shri G.N. Sharma.

versus

1. Union of India through the
Secretary,
Ministry of Urban Development,
Government of India, Nirman Bhawan,
New Delhi.
2. Executive Engineer, 'G' Division,
C.P.W.D. East Block-II, Level-II,
R.K. Puram, New Delhi.
3. Smt. Durga Devi,
W/o Late Shri Narinder Kishore.
Allottee/Resident of Government Quarter,
(Type-II/Type-B), No.96, Kidwai Nagar,
New Delhi. ...Respondents

By Advocate: None.

O R D E R (Oral)
(By Shri N.V. Krishnan)

We have heard the learned counsel for the
applicant.

2. The applicant before us is stated to be the
mother of late Shri Narinder Kishore, who was a
Draughtsman under the 2nd respondent, the Executive
Engineer, C.P.W.D., R.K. Puram, New Delhi. It is
stated that before his death, Shri Narinder Kishore
married the 3rd respondent Smt. Durga Devi. Shri
Narinder Kishore died of an accident on 3.3.92. In
respect of various dues payable to the legal heirs, it
appears that the applicant filed a civil suit No.47/93

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in the court of the Sub-Judge 1st Class, Delhi. On the last occasion, the learned counsel for the applicant made a mention about the compromise decree that was drawn up. We, therefore, directed him to file a copy of that compromise decree. The applicant has filed an uncertified copy of that decree, as it is stated that the certified copy has still not become available though an application has been made for it.

3. It is seen that on 13.7.94, a compromise was recorded between the applicant on the one hand i.e. plaintiff before the civil court and the present 3 respondents, who were defendants in their suit. In terms of the compromise, an order was passed on 13.7.94, according to which, the defendant No.3 i.e. 3rd respondent, will pay a sum of Rs.30,000/- to the plaintiff including Rs.15,000/-, which the plaintiff would get on account of insurance of the deceased. In the circumstances, the suit was dismissed as compromised.

4. The applicant feels that she should have received a larger share when she came to know that a further amount of Rs.22,818/- was due to be paid by the 2nd respondent relating to the death linked insurance scheme. The applicant wrote to the 2nd respondent on 26.12.94 (Annexure A-3) requesting him that this amount should not be paid to the 3rd respondent Smt. Durga Devi, as this amount was not mentioned in the civil court. He was also intimated that the applicant has desired to file an application in this Tribunal. The applicant was informed by the Annexure A-1 letter of the 2nd respondent dated

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12.1.95 that if a proper stay order from the court was not produced restraining the payment, that payment would be made to Smt. Durga Devi. It is in these circumstances, that this OA has been filed for a direction to the respondent No.1&2, not to pay the amount of Rs.22,818/- to the 3rd respondent and instead, it be directed to be paid to the applicant. There is a further prayer that excess amount has been paid to the 3rd respondent in pursuance of the civil court order which was passed without jurisdiction.

5. We have heard the learned counsel. He points out that in the civil court, the defendant No.1&2 had raised an objection about the jurisdiction of the court, which was not decided and a compromise decree was passed. He contends that the order of the civil court which has no jurisdiction does not bind any one. He relies on AIR 1985 (Madras) page 257 (R.Venkataswami Viscose Ltd. Coimbatore) Naidu vs. M/s South India in support of his contention.

6. We are of the view that the matter which has been raised before us, is not a service matter and hence, we do not have any jurisdiction in this regard. If the question had been whether on the decease of the Government employee, his heirs are not entitled to any thing at all, that would have been the service matter. In the normal course, the payments due after his death would have been paid to his heirs by the department, if there had been no dispute amongst them. In the present case, the mother of the deceased employee, the applicant before us and the widow of the deceased 3rd respondent, are claimants. The dispute between two such claimants cannot be settled by this Tribunal. It

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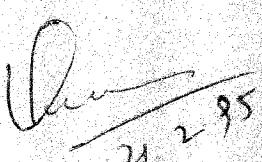
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is a civil dispute and has to be settled by the civil court of competent jurisdiction. In the present case, the civil court has already passed an order. We are of the view that the claim in respect of which, this OA has been filed cannot be heard by us. It is beyond our jurisdiction. Accordingly, we direct the Registrar to return to the applicant one copy of the application for presentation before the appropriate court.

7. The OA is disposed of accordingly.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)


(N.V. Krishnan)
Vice Chairman(A)