

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 2317/1996

New Delhi this the 23rd day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Pradeep Kumar S/O Late Jaswant Singh Verma,
Power of Attorney on behalf of his
Brothers (Legal heirs, Assigns,
Successors) S/Shri Kishan Kumar,
Raj Kumar, Arun Kumar, Vijay Kumar,
All R/O B-3/219, Paschim Vihar,
Delhi.

... Applicants

(None present for Applicants)

-Versus-

1. Govt. of National Capital Territory
of Delhi through Chief Secretary,
5, Sham Nath Marg,
Delhi.

2. Principal Financial Secretary,
GNCT, Delhi,
5, sham Nath Marg, Delhi.

3. Commissioner Food & Supplies
Consumers Affairs,
GNCT, Delhi, K-Block,
Vikas Bhawan, I.P.Estate,
New Delhi.

... Respondents

(None present for Respondents)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

Parties and their counsel are absent. We have perused the pleadings available on record and we proceed to dispose of the O.A. on merits in their absence in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.


Applicants in the present O.A. are heirs and legal representatives of one Shri Jaswant Singh Verma who was initially appointed as Food & Supplies Officer

in Circle No.56, Vishnu Graden, Delhi under the Government of National Capital Territory of Delhi, respondent No.1 herein. He was promoted as Grade-I (DASS) in the year 1988 in the pay scale of Rs.1640-2900 and later appointed on regular basis w.e.f. 21.8.1989 vide order No.F/55/27/92-S.I. dated 6.8.1992. He was placed at S1. No.888 in the seniority list of 1.10.1986. He retired on 31.1.1996 and later on died on 1.9.1996.

2. Applicants being his five sons, in their capacity of being his heirs and legal representatives, have filed the present O.A. claiming certain monetary benefits which according to them are payable to late Shri Jaswant Singh Verma.

3. Respondent No.3, Commissioner of Food & Supplies under whom the aforesaid Shri Jaswant Singh Verma was working has by filing a counter ^{has} resisted the claim, inter alia, on grounds that applicants are not the only heirs and legal representatives of the aforesaid deceased. Aforesaid deceased has left behind ^{him} one Smt. Hoshiari Devi who claims to be his widow. Applicants have rejoined that the said Smt. Hoshiari Devi is not his widow; she is not the real mother of applicants. According to them, aforesaid Shri Jaswant Singh Verma has not left behind him any widow. Aforesaid dispute between the parties, according to applicants, is sub judice in ^a the civil court.

[Signature]

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4. In view of the aforesaid controversy, respondents contend that applicants are not entitled to the monetary reliefs claimed in the O.A. It is further pointed out on behalf of respondent No.3 that on his retirement, late Shri Jaswant Singh Verma ~~had~~ been paid the following retiral benefits :

Sl. No.	Particulars	Amount	Bill No.	Date
1.	Death-cum-retirement Gratuity	Rs. 48995/-	411/95	9.6.95
2.	Commutation	Rs. 51464/-	412/95	9.6.95
3.	Leave Encashment	Rs. 43232/-	1611/94	9.3.95
4.	Saving Fund	Rs. 6432/-	1672/94	9.3.95
5.	G.P.F.	Rs. 91480/-	44/95	6.4.95
6.	Withheld amount of DCRG	Rs. 1000/-	1342/95	15.11.95

5. Be that as it may, it is contended by applicants that despite the aforesaid payments, aforesaid Shri Jaswant Singh Verma is entitled to upgradation of his pay. They have pointed out that Shri V.V.Ksahyap and 17 others who were similarly placed as the aforesaid Shri Jaswant Singh Verma, had filed an O.A. being O.A. No.2910/92. By an order passed on 10.10.1993, aforesaid O.A. was allowed and it was directed to grant them stepping up of salary so that the same is not less than ~~that~~ ^{these} of their juniors in the integrated seniority list of Grade-II (DASS). As far as salary of Shri V.V.Kashyap and 17 others was concerned, the same ~~had~~ been re-fixed at Rs.2000/- notionally w.e.f. 1.10.1986 equivalent to that of Shri Sadhey Ram Sharma (at sl. No.1348 in the seniority list) in the pay scale of Rs.1640-2900 with the next date of increment on 1.2.1987. As far as

D.P.A.

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late Jaswant Singh Verma is concerned, he is senior to the aforesaid Sadhey Ram Sharma. He is accordingly, similarly placed ^{as} to Shri V.V.Kashyap and others who had filed the aforesaid O.A. No.2910/92. In the circumstances, we hold that he is similarly entitled to the reliefs which have been granted to Shri V.V. Kashyap and others in the order passed on 10.10.1993 in O.A. No.2910/92.

6. In the circumstances, we direct the respondents to grant upgradation of pay to the said Shri Jaswant Singh Verma and calculate the amount payable to him after such upgradation. The said amount is directed to be deposited in this Tribunal in the account of the present O.A. ~~and in the name of late Shri Jaswant Singh Verma~~ ^{on the account and in the name of the Registrar of this Tribunal} This be done expeditiously and within a period of three months from the date of the service of this order. On the aforesaid amount being deposited as directed, the Registrar of this Tribunal will invest the same ^{in a} ~~Nationalised Bank~~ ^{account of Registrar, Central Administrative Tribunal, Principal Bench, New Delhi,} initially for a period of three years. The same be renewed for one year each time. The said amount be paid over to the rightful claimants on the aforesaid parties producing the decision of the civil court where their inter se rights, as stated hereinabove, are sub judice.

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7. Present O.A. is allowed in the aforestated terms. There shall be no order as to costs.

Ashok Agarwal

(Ashok Agarwal)

Chairman

V. K. Majotra

(V. K. Majotra)

Member (A)

/as/