

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.659/1997

New Delhi: this the // day of August, 1998.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

1. Ms. Chander Kanta,  
C/o Shri Dilbagh Singh,  
R/o H.No.162,  
Vill. & PO Maidan Garhi,  
New Delhi-68.

2. Shri Yogesh Kumar,  
S/o Shri Dilbir Singh,  
R/o H.No.162,  
Vill. & PO Maidan Garhi,  
New Delhi-68.

...Applicants.

(By Advocate: Shri V.K.Rao)

Versus

1. Govt. of NCT.,  
through its Chief Secretary,  
5, Sham Nath Marg,  
Delhi-54.

2. The Director of Education,  
Deptt. of Education,  
Govt. of NCT.,  
Old Secretariat, Delhi.

3. The Dy. Director of Education,  
South District, Defence Colony,  
New Delhi.

4. The Vice Principal,  
Govt. Girls Senior Secondary School,  
Dr. Ambedkar Nagar, Sector-IV,  
New Delhi.

...Respondents.

(By Advocate: Shri Surat Singh)

JUDGMENT

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A).

Applicant had sought a direction to fix her pension including extra ordinary and invalid pension and release all the retiral benefits including commutation of pension, arrears of pension, GPF with immediate effect together with interest at the rate of 18% p.a. on the same, from the date of retirement viz. 27.3.95 till the date of payment.

Applicant No.1 has also prayed for consideration of the case of Applicant No.2 for compassionate appointment .

2. Applicant No.1 who was appointed as a Drawing Teacher, admittedly applied to Respondents for retiring her under Rule 38 CCS (Pension) Rules vide letter dated 11.11.94. Admittedly she was invalidated for service and was granted invalid pension under the aforesaid Rule vide order dated 27.3.95 (Annexure-C). Pursuant to her retirement on 27.3.95, Applicant No.1 submitted the prescribed forms duly filled in to the School Vice Principal vide letter dated 26.4.95 (Annexure-E) but the documents were returned to her believing the same to be incomplete. She herself has admitted in Para IV(v) of the OA that she submitted another set of prescribed forms under CCS (Pension) Rules on 29.3.96.

3. It is not denied in any rejoinder filed by Applicant No.1 that following cheques were delivered to her in October, 1996

- (a) Group Insurance Cheque No.961719 for Rs.4488/- dated 4.10.96;
- (b) Gratuity Cheque No.461919 for Rs.49410/- dated 19.10.96 ;
- (c) Commutation Cheque No.461919 for Rs.45879/- dated 19.10.96.
- (d) GPF amounting to Rs.103300/- vide Cheque no. 4644451 .

4. In view of the fact that the receipt of the aforesaid sums has not been denied by the applicant No.1 in any rejoinder, and her own delay of nearly

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one year in sending the set of documents on 29.3.96, none of the grievances regarding release of the retiral benefits appear to survive and the prayer for payment of <sup>interest</sup> ~~amount~~ <sup>retiral dues?</sup> of ~~amount~~ is rejected.

5. Meanwhile MA No.560/98 and MA No.561/98 have been filed stating that Applicant No.1 had unfortunately expired on 24.11.97, and for taking on record Ms. Garima the adopted daughter of Applicant No.1 (deceased) as her legal heir and for release of retiral benefits to Ms. Garima. It has also been prayed therein that the case of Applicant No.2 in the OA be considered for compassionate appointment to look after the legal heir of Applicant No.1, Ms. Garima.

6. It is not for the Tribunal to determine who is the legal heir of Applicant No.1 or to direct Respondents to release the retiral dues of Applicant no.1 to such legal heir. It is open to person <sup>who?</sup> ~~person~~ <sup>claims</sup> to be <sup>the?</sup> legal heir or her guardian, if she is a minor, to approach the competent forum for issue of succession certificate and thereafter press the claim for release of retiral benefits on that basis. Furthermore, it has not been denied in any rejoinder to Respondents' reply to MA -560/98 that Shri Yogesh Kumar is not the legal heir of Applicant No.1, he cannot be appointed on compassionate ground.

7. In the result, the OA warrants no interference. If there are any <sup>legal</sup> dues owed by Respondents <sup>to</sup> ~~to~~ Late Applicant No.1 Ms. Chander Kanta <sup>other than those discussed above?</sup> ~~to~~ it will be open to her legal heirs to press for release of the same

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in accordance with law. Subject to what has been  
stated above, the OA is dismissed. No costs.

*Radige*  
( S. RADIGE )  
Vice Chairman (A).

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