

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi

M.A.1090/96 IN
O.A.1389/94

New Delhi this the 14th day of February, 1996.

(22)

Hon'ble Dr Jose P. Verghese, Vice Chairman (J)
Mr. C.P. Chaturvedi, M.A.

Miss Elizabeth,
Daughter of Late Shri & Smt HSDE Seth
R/o 3374, Christian Colony,
Gali No.2, Karol Bagh,
New Delhi. Applicant

(By Advocate : Shri T.C. Aggarwal)

VERSUS

UNION OF INDIA, THROUGH

Secretary,
Ministry of Communication,
Sanchay Bhawan,
20, Ashoka Road,
New Delhi. Respondents

(By Advocate : Shri V.K. Rao)

ORDER (ORAL)

(By Hon'ble Dr Jose P. Verghese, Vice Chairman (J))

This petition is being filed for grant of family pension at the instance of daughter who is said to be 90% blind and having no means of support and she is living upon the arms strength of others.

2. The petitioner made a representation for family pension on 8.11.96 and in reply to the said representation the respondents intimated that the services of her mother were terminated in the year 1970 and there was a sum of Rs147/- lying as balance in the GPF account, which was already paid to the daughter after the death of her mother in the 1987.

3. The submission of the petitioner is that the mother of the petitioner who was in service since 1940 seriously fell ill in the year 1967, could not recover and

died in the year 1987. And since she being permanent employee, who has been with the respondents for about 30 years, her service could not have been terminated as given in the reply by the respondents to her representation.

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4. The submission of the respondents is that the termination, whether right or wrong could not be now challenged at this belated stage at the instance of the daughter of the employee. There is some substance in the submissions made on behalf of the respondents that had the termination order been challenged during the life time of the mother of the petitioner, then there would have been opportunity for directing, monetary dues, if any, which were available to the legal representative under the rules but this is not the case at hand. The termination order stands without any challenge and hence we are constrained to note that daughter may not be having the standing to challenge termination order (and she has not done that in the present O.A. either) which is said to have been passed in the year 1970 against the mother of the petitioner.

5. All the same we are also concerned with the plight of the petitioner but the pleadings and the submissions made by the counsels indicate that nothing can be done on this O.A. except that the petitioner may be given liberty to make a representation to the respondents to consider the case of the petitioner in some compassionate form, either compassionate allowance or some payment in lieu of a compassionate appointment, and the respondents may consider the said representation within two months from the date of receipt of the representation from the

Chm

petitioner and respondents may pass an appropriate order, preferably within two months after receipt of the representation from the petitioner.

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6. The respondents are directed to consider this representation of the petitioner, which may not give the petitioner a fresh cause of action but at the same time, we hope that the respondents will favourably consider the said representation.

7. With this observation this O.A. is finally disposed of with no order as to costs.

(Dr Jose P. Verghese)
Vice Chairman (J)

SSS