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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1531/2000

Monday, this the 10th day of December, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Smt. Krishna Devi
Constable No.1339/ND
Parliament Street
New Delhi

resident of Qr.No.53
Sector-3, Police Colony
R.K.Puram, New Delhi

...Applicant

(By Advocate: Shri U.Srivastava)

Versus

1. Govt. of NCT of Delhi
through Lt. Governor
Raj Niwas, Delhi
2. Commissioner of Police
Police Head Quarter, Delhi Police
I.P.Estate, New Delhi
3. Dy. Commissioner of Police
V.Bnn. DAP Delhi
4. Dy. Commissioner of Police
New Delhi District, New Delhi
5. Smt. Atlo Devi through Dharam Pal Singh
Vill. Taharpur Bhabhisa, Teh. Burdhana
Distt. Mujjaffar Nagar, UP

..Respondents

(By Advocates: Shri Amit Rathi for Shri Devesh Singh
for Respondent Nos. 1 to 4 &
Shri H.P.Chakravorty for Respondent No.5)

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi:

Applicant in the present OA, who is the widow of one Shri Om Pal Singh, who died in harness on 20.6.1986, is aggrieved by the order dated 16.5.2000 (Annexure P-1) passed by the Commissioner of Police by which the following amounts paid to the applicant are to be recovered from her and instead paid to the mother of the deceased employee:-

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- 1) Group Insurance Scheme -Rs. 20,000/-
- 2) Gratuity/Three months salary -Rs. 3,000/-
- 3) Salary of 20 days -Rs. 650/-
- 4) Leave encashment -Rs. 1,600/-

The applicant had received the aforementioned sums of money in her capacity as legal heir of the deceased employee. Following the death of the said employee, namely, Shri Om Pal Singh, the applicant received family pension also. Meanwhile, the applicant got employed as woman Constable.

2. One Smt. Atlo Devi, mother of the aforesaid deceased employee instituted a Civil Suit for grant of succession certificate on the basis of the will executed in her favour by the deceased employee. The aforesaid suit was decreed. Thereupon, the applicant preferred an appeal in the High Court of Allahabad wherein parties arrived at a settlement. However, a formal decree in terms of the settlement reached was not passed as the appeal itself was withdrawn by the applicant. We have perused the papers relating to the aforesaid compromise deal filed in the lower Civil Court (Annexure P-4) and also the application subsequently filed before the High Court of Allahabad. It is clear from these papers that a settlement had been reached in accordance with which, after receiving a payment of Rs.5000/-, the applicant was not to interfere with whatever else the aforesaid Smt. Atlo Devi was to succeed to in accordance with the will executed by the aforesaid deceased employee in favour of his mother Smt. Atlo Devi. We have been shown a copy of

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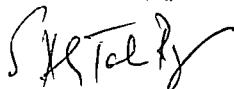
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(3)

the aforesaid will dated 16.6.1986 executed by the aforesaid deceased employee only 10 days before he expired and also a copy of the succession certificate granted to Smt. Atlo Devi on 28.5.1992. There is no dispute about the contents of the aforesaid will as well as the succession certificate. That being the case, the applicant cannot dispute the fact that the aforesaid sums of money were indeed payable to Smt. Atlo Devi.

3. The learned counsel appearing on behalf of the applicant raises the issue of a prior opportunity to show cause having not been given to her before issuing the impugned letter dated 16.5.2000. This contention is sought to be rebutted by the learned counsel appearing on behalf of Smt. Atlo Devi who submits that the applicant was given an opportunity of being heard before the aforesaid succession certificate was issued by the competent court on the basis of the aforesaid will. In the circumstances, according to him, no more opportunity is required to be given before effecting recovery of the aforesaid sums. We have considered this submission further and find that while the respondent-authority may not have issued a formal show cause to the applicant, a sufficient opportunity in the matter has been granted to the applicant by us in any case during the course of hearing today. Thus, the aforesaid plea does not hold good.

4. In the aforestated circumstances, the OA is found to be devoid of merit and is dismissed without any order as to costs.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/