

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 228/89

Date of decision: 27-7-1990

YASHODA RANI

.... APPLICANT

VERSUS

UNION OF INDIA & ORS

.... RESPONDENTS

ADVOCATES:

Shri Umesh Mishra,

... for the applicant.

Shri P.H. Ramchandani

... for the respondents.

CORAM:

Hon'ble Shri B.C. Mathur, Vice-Chairman (A)

Hon'ble Shri P.K. Kartha, Vice-Chairman (J)

J U D G E M E N T

(Judgement of the Bench delivered by
Hon'ble Shri B.C. Mathur, Vice-Chairman (A))

We have heard the learned counsel of both parties, at the stage of admission of this application filed by Smt. Yashoda Rani who is the second wife of the deceased Government servant, Shri Mata Prashad. The relief sought by her is that she is entitled to family pension and other retirement benefits as also appointment on compassionate grounds. The respondents have filed an affidavit according to which they made certain discreet enquiries which revealed that Smt. Yashoda Rani had married after the death of Mata Prashad. There is, however, no proof of such marriage. What has really happened is that she has been staying with Shri Kallu Khan and she has

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also a six months old son born after the death of her husband.

The learned counsel for the applicant states that Smt. Yashoda Rani is claiming only one half of the family pension while the other half of the family pension is being paid to the children of the first wife. Shri P.H. Ramchandani states that the respondents have no objection to the payment of one half of the family pension to Smt. Yashoda Rani provided that the Government will not be saddled with any future claims from any other claimant..

Having heard the learned counsel of both parties, we are of the opinion that the applicant, Smt. Yashoda Rani, should be given 50 per cent of the family pension and other retirement benefits on her executing an Indemnity Bond with two sureties to the effect that she will reimburse the Government of the losses suffered by them, in case any other claimants comes forward for the amounts released to her by way of family pension and other retirement benefits.

With regard to the second prayer for appointing Smt. Yashoda Rani as a peon in the office of the respondents, the learned counsel for the applicant stated that the respondents may be directed to consider her case for such appointment in accordance with the rules. The learned counsel for the respondents has no objection to this. Accordingly, we direct that the respondents shall consider the suitability of Smt. Yashoda Rani for compassionate appointment in accordance with the relevant rules.

The application is disposed of at the admission stage itself. The parties will bear on their own costs.

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(P.K. KARTHA)

VICE CHAIRMAN (J)

B.C. Mathur
(B.C. MATHUR)

VICE CHAIRMAN (A)