



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**OA/100/1905/2020**

**This the 25<sup>th</sup> day of November, 2020**

**(Through Video Conferencing)**

**HON'BLE MS. ARADHANA JOHRI, MEMBER(A)**

Smt. Somwati Age 41 years  
 W/o late Sh. Leeladhar  
 Working as Class-IV employee  
 Sanjay Gandhi Hospital,  
 Mangol Puri, Delhi.  
 R/o H.No.314, Block-E, Camp No.2,  
 Nangloi, Delhi – 110 041. ...Applicant

(By Advocate: Ms. Bhawna Messy for Sh. Praveen Kumar)

Versus

Govt. of NCT of Delhi through

1. Principal Secretary/Secretary,  
 Department of Health,  
 Delhi Govt.New Secretariat,  
 I.P. Estate, New Delhi – 110 002.
2. Medical Superintendent,  
 Sanjay Gandhi Memorial Hospital,  
 Mangol Puri, New Delhi – 110 083.
3. Sanjay  
 S/o late Sh. Leeladhar,  
 R/o H.No. 8489, Arya Nagar,  
 Pahar Ganj,  
 Delhi – 110 055.
4. Rajesh @ Karan,  
 S/o late Sh. Leeladhar,  
 R/o H.No. 8489, Arya Nagar,  
 Pahar Ganj,  
 Delhi – 110 055. ...Respondents

(By Advocate: Sh. Amit Yadav for Ms. Esha Mazumdar)



## **ORDER (ORAL)**

The husband of the applicant was employed as Nursing Orderly and died on 23.06.2019, while in harness. The applicant was living separately from her husband and filed a petition under Section 125 of Cr. P.C. in which she was granted maintenance of Rs. 3,000/- per month, which was later enhanced to Rs. 13,000/- per month on the application under Section 127 of Cr. P.C. for enhancement. This maintenance amount was paid to her till the death of her husband, after which the sons did not pay anything to the applicant. The applicant's husband also nominated his sons with 50% shares each of his retiral benefits but did not add the name of his wife. This OA has been filed seeking 1/3<sup>rd</sup> share of the retiral benefits.

2. Heard Ms Bhawna Messy, proxy counsel appearing for Shri Praveen Kumar, learned counsel for the applicant and Shri Amit Yadav, proxy counsel appearing for Ms Esha Mazumdar, learned counsel for the respondents and perused the record.
3. It is apparent that the matter is a family dispute and the remedy lies elsewhere.



5. In light of this, OA is dismissed. The applicant is at liberty to seek legal remedies in the appropriate forum. No order as to costs.

(Aradhana Johri)  
Member (A)

/neetu/Rb/