

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00888/2019

Thursday, this the 1st day of July, 2021

CORAM:

Hon'ble Mr.K.V.Eapen, Administrative Member

1. Dr.K.R.Chitra aged 50 years, W/o.Dr.M.Anbu,
residing at Alakkal Parampil House
Kesavanpady, Thiruvankulam P.O
Tripunithura, Kerala, Pin – 682 305
 2. Master Amal Krishna A (Minor)
Aged 16 years, S/o.Dr.M.Anbu
residing at Alakkal Parampil House
Kesavanpady, Thiruvankulam P.O
Tripunithura, Kerala
Pin – 682 305
Minor represented by his Mother
Dr.K.R.Chitra
- Applicants

(By Advocate: Mr.Dileep D.Bhat)

Versus

1. Union of India, represented by the Director
National Institute for Interdisciplinary Science and Technology
Council of Scientific and Industrial Research
Thiruvananthapuram , Pin 695 019
 2. The Controller of Administration
National Institute for Interdisciplinary Science and
Technology – Council of Scientific and
Industrial Research
Thiruvananthapuram, Pin – 695 019
- Respondents

(By Advocate: Mr.A.D.Raveendra Prasad for R 1 & 2)

The application having been heard on 1st July, 2021 through video conferencing, this Tribunal delivered the following order the same day.

ORDER (ORAL)

This is an Original Application filed seeking the following reliefs:

“a. To direct the respondents to disburse the family pension, gratuity, commutation, provident fund, reimbursement of medical expenses, and any other monetary benefits which the deceased is entitled to the applicants.

b. Grant such other reliefs as may be prayed for and as the Court may deem fit to grant, and

c. To grant the costs to the applicants. ”

2. Brief facts of the case are as follows:

The applicants submit that they are nominees for the pension nominated by late Dr.M.Anbu who was a Principal Scientist in the National Institute for Interdisciplinary Science and Technology – Council of Scientific and Industrial Research. Dr.M.Anbu had availed voluntarily retirement from service in February 2016 and expired on 1.7.2017. When the applicant claimed family pension, the mother of the deceased claimed all the monetary benefits including family pension on the strength of the legal heir-ship certificate, which has later cancelled. Since the applicants obtained no assurance from the respondents on keeping the monetary benefits in abeyance, till the dispute is settled, the applicants submit that they filed O.A No.180/741/2018 which was disposed by directing the 2nd respondent to consider and take a decision on the representations filed by the Applicants vide Annexure A-3 and A-4. Subsequently a new legal heir certificate was issued in which the name of the second applicant has been included. They further submit that even after lapse of 4 months after submitting of the application along with newly issued legal heir certificate, the respondent no.2 has not initiated any action. Since there was no communication on the action, the applicants submit that they are constrained to approach this Tribunal seeking the above reliefs.

3. When the case came up on the previous date, i.e, on 4.3.2021, it was submitted that the counsel will be satisfied if the representation of the applicant at Annexure A-7 is considered by the respondents in the light of legal heir-ship certificate and other circumstances of the case. However, since this was a very brief representation and it did not contain any details for proper consideration and disposal, applicant was directed to file a composite representation stating all his grievances and produce a copy before this Tribunal by the next posting date.

4. Learned counsel for the applicant Adv.Mr.Dileep D.Bhat has filed a Miscellaneous Application No.180/271/21 to accept additional document at Annexure A-12, which is a true copy of the representation submitted on 7.3.2021 by the 2nd applicant to the 1st and 2nd respondents.

5. When the case was taken up today, learned counsel for the applicant submits that the applicants will be satisfied if a direction is given to the respondents to consider Annexure A-12 representation. They also accept that the Original Application can be disposed of with the consideration of the representation.

6. Counsel for the respondents Adv.Mr.A.D.Raveendra Prasad submits that the respondents have no objection in considering the Annexure A-12 representation and disposing of the O.A accordingly.

7. Accordingly, it is directed that **the respondents shall consider Annexure A-12 representation in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order on the contentions in the representation within a period of two months from today.**

8. The Original Application is disposed of accordingly. No costs.

(K.V.Eapen)
Administrative Member

SV

List of Annexures

- Annexure A1 - True copy of Notarized copy of Sworn Affidavit dated 13.5.2016
- Annexure A2- True copy of the letter and relevant pages of enclosures dated 14.5.2017 submitted by the deceased Dr.M.Anbu to the 1st respondent
- Annexure A3- True copy of the e mail dated 9.10.2017 sent to the 1st respondent
- Annexure A4- True copy of the reply letter No.3(603)/94-Estt dated 20.3.2018
- Annexure A5- True copy of the order in O.A No.180/00741/2018 of Hon'ble Central Administrative Tribunal, Ernakulam Bench dated 6.9.2019
- Annexure A6- A true copy of the newly issued Legal Heir Certificate vide Certificate No.TN-720190514907 issued by Tahsildar, Tiruvannamalai dated 16.5.2019
- Annexure A7- A true copy of the representation dated 5.6.2019 submitted by the applicant to the 1st and 2nd respondents.
- Annexure A8- A true copy of the acknowledgement card of the representation made to the 1st respondent dated 10.6.2019
- Annexure A9- A true copy of the reminder dated 17.7.2019 sent by the 1st applicant
- Annexure A10- A true copy of the RTI application dated 16.10.2019
- Annexure A11- A true copy of the reply for the RTI dated 1/11/2019.
- Annexure R1 - The true copy of the said letter No.NIIST/COA/KRC/19 dated 11th March 2020
- Annexure A 12 - True copy of representation dated 7.3.2021 submitted by 2nd applicant to the 1st and 2nd respondents
- Annexure A13 - True copy of postal receipt dated 7.3.2021 of the representation submitted by 2nd applicant to the 1st and 2nd respondents.

...