

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
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Original Application No. 332/00177/2018

This the 31st day of January, 2020

Hon'ble Ms. Jasmine Ahmed, Member - J

Subh Karan Nath Srivastava, aged about 85 years, son of late Radha Sharan Srivastava R/o 342/113-A Naubasta, Lucknow.

..... Applicant

By Advocate: Sri Dharmendra Awasthi

VERSUS

1. Union of India, through the Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. The General Manager, Ordnance Factory, Tiruchirappalli, Tamilnadu 620016.
3. The Works Manager, Ordnance Factory Tiruchirappalli, Tamilnadu 620016.

..... Respondents

By Advocate: Sri Rajesh Katiyar

O R D E R (ORAL)

This is second round of litigation wherein on 09.02.2018 while disposing of the O.A No. 402/2018, a direction was given to the respondents to decide the representation of the applicant dated 08.06.2017 within a period of two months from the date of receipt of certified copy of the order by passing a reasoned and speaking order. In pursuance of that order, the respondents have passed an order dated 16.04.2018 asking from the applicant herein a succession certificate to disburse the DCRG entitlement.

2. Counsel for the applicant contends that the deceased employee was a young man and served only for two years with the respondents. It is also contended that the deceased employee was not having any other family member except the applicant herein i.e. the father of the deceased employee who is 85 years old. He drew my attention to page 27 to show who are entitled to get DCRG benefit as per rules and states that in case of unmarried employee, the father is entitled to get DCRG benefits. In this regard, he also drew my attention to Para 10 of page 10 of counter reply filed by the respondents. The relevant portion is quoted

as under:

“10. It is agreed to that if an employee in temporary service expires while in service, the terminal benefits are to be given to the members of the family of the deceased. It is also agreed to that no nomination is required in the case of a temporary or quasi-permanent government servant and the gratuity admissible to him, will on his death, be payable to the members of his family in equal share with a further mention that if there are no such surviving members then the gratuity will be payable in equal shares to the following members of the family in equal shares:

- (i) Father*
- (ii) Mother*
- (iii) Brothers below the age of 18 years including step brothers*
- (iv) Unmarried sisters and widowed sisters including step sisters.*
- (v) Children of a pre-deceased son.”*

3. Accordingly, learned counsel for the applicant states that as stated in the pleadings as well as in oral arguments that the applicant is only present survivor of the deceased employee, hence, he is entitled to DCRG benefits to which counsel for the respondents states that for getting DCRG benefits a succession certificate is required and as such, in case, applicant is not able to provide succession certificate, respondents are not in a position to release the DCRG benefits to the applicant.

4. Heard the rival contentions of the parties and perused the records.

5. It is seen from the pleadings as well as from the oral averments that the deceased employee was a young man who served for two years with the respondents and he died suddenly without been able to nominate anybody for DCRG benefits to be claimed. This is unfortunate that a young man who served only two years passed away leaving behind his old father to suffer. The respondents are also duty/rule bound that for release of DCRG benefits some proper documents are required. It is a very common maxim that justice is not only to be done but also to be seen. Accordingly, taking into consideration the peculiar

circumstances of the case that the employee died at a very young age and the age of the applicant is 85 years, respondents are directed to appoint a welfare officer who will verify whether there is any other family member of the deceased employee and if they find the averment and pleadings in regard to the applicant are correct, the case of the applicant for release of DCRG benefits shall be considered as per rules. If facts are found otherwise, respondents are at liberty to take their own decision with intimation to the applicant. The entire drill of appointment of welfare officer and survey thereof shall be done within two months from the date of receipt of certified copy of this order. The order dated 16.04.2018 is quashed. It is made clear that nothing has been commented on the merit of the case.

6. With the above observation and direction, the O.A stands disposed of. There shall be no order as to costs.

RK

(Jasmine Ahmed)
Member (J)

