

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 02nd day of November, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha, Member- A.

Original Application No. 860 of 1995.

Noor Jahan W/o Late Ghulam Hussain
R/o Mohalla Jalal Nagar, Shahjahanpur.

.....Applicant

Counsel for the applicant :- Sri R.K. Asthana

V E R S U S

1. Union of India, through its Secretary,
M/o Defence, New Delhi.
2. General Manager, Ordnance Clothing Factory,
Shahjahanpur.

.....Respondents

Counsel for the respondents :- Km. Sadhna Srivastava

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

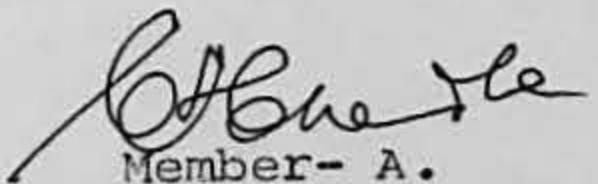
By this O.A under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed that respondents may be directed to decide her representation in accordance with law. It has also been prayed that orders dated 08.05.1995 and 22.02.1995 be quashed.

2. The facts giving rise to this O.A are that husband of the applicant Ghulam Hussain was serving as Tailor in Ordnance Clothing Factory, Shahjahanpur. It is stated that during service, he fell seriously ill and died on 17.03.1995.

However, before that disciplinary proceedings were initiated against Ghulam Hussain for unauthorised absence and order of compulsory retirement was passed on 22.02.1995. The aforesaid order was challenged in appeal by the applicant. The appeal was however, returned as not maintainable under C.C.S (CCA) Rules, 1965 vide order dated 08.05.1995. Learned counsel for respondents has placed before us the judgment of this Tribunal in case of Shakuntla Devi Vs. Commissioner of Police, Delhi 1992, 19 ATC 616 and has submitted that appeal was rightly returned as it can be only filed by the employee and not by the heirs. The heirs can only claim for terminal benefits. Thus the order of the appellate authority is justified.

3. It appears that applicant has not filed any proper representation claiming terminal benefits and family pension, ^{which} she could have ~~been~~ legitimately claimed from the respondents. In the circumstances, this O.A is disposed of finally with liberty to applicant to file detailed representation before the General Manager, ^{Ordnance} Clothing Factory, Shahjahanpur (respondent No.2) for claiming terminal benefits and family pension which if already not been paid to the applicant, shall be considered and decided ^{within} three months from the date a copy of this order is filed before him.

4. There will be no order as to costs.


Member-A.


Vice-Chairman.

/Anand/