

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 825 of 1999

Allahabad this the 18th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt. Rabia Begum, aged about 44 years, Widow of Late Sahiduddin, Resident of 149, Bakhshi Kala, Daraganj, Allahabad.

Applicant

By Advocate Shri H.S. Srivastava

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Director General Ordnance Services, M.G.O's Branch, Army Headquarters, D.H.Q., P.O. New Delhi. 110011.
3. The Commandant, Central Ordnance Depot, Kanpur.

Respondents

By Advocate Shri S.C. Tripathi.

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Late Sahiduddin while in the employment of respondents as regular Mazdoor felt seriously ill in September, 1979 and ultimately died on 05.10.1981.

In the meantime disciplinary proceedings were taken up against Late Sahiduddin for unauthorised absence which terminated ~~him~~ on 31.10.1981 by an order of

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removal, which in actual terms was posthumously passed when the delinquent therein had already expired on 05.10.1981.

2. Shri Sahiduddin left behind him a family consisting of his widow and four minor children. It was as late as in the year 1992 that the applicant-Smt. Rabia Begum-widow of the deceased employee came to know ~~are~~ regarding her right for family pension and the dues payable after death in harness and then she approached the respondent no.3 through a representation which was processed, and letter dated 20.4.1992 (annexure A-3) was issued requiring the applicant to furnish information as per details in this regard. She replied the same on 04.7.1992 vide annexure A-4 and it was vide annexure A-7 dated 26.3.1994 that the applicant was advised to wait for further communication in the matter as her case is under consideration with Army Headquarter and thereafter the respondents kept silent and the applicant preferred this O.A. seeking relief regarding family pension, death gratuity, provident fund insurance and also appointment to her elder son Wahiduddin on compassionate ground.

3. The respondents have contested the case, filed counter-reply mainly assailing the case of the applicant on the ground of being barred by period of limitation, and also on the ground of entitlement of the applicant for the relief claimed.

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4. Heard counsel for the parties and perused the record.

5. I do appreciate the fair pleadings from the side of the respondents. Para-12 of the C.A. runs as under;

"That on scrutiny of the case it was revealed that the punishment was awarded to Shri Sahid-uddin on 31 Dec 1981 whereas as per the death certificate he died on 5 Oct. 1981 as such the punishment awarded to indl. becomes infructuous in the light of the existing rules. Accordingly the case was taken up with AHQ vide this depot letter no.376/BK/PCConf/Estt dated 17 Mar. 1994 for quashing the order of removal from service so that terminal benefits may be granted to claimants."

and in para-14 of the counter-affidavit it has been mentioned that the applicant shall wait for the decision by the competent authority.

6. For the above, ^I we find no debatable controversy remains and the O.A. is decided with the direction to the respondents that the matter pending with the respondents regarding grant of payment of dues to the family of deceased employee be finalised within 4 months and the amount to which the applicant is found entitled be paid within two months thereafter. The O.A. is decided accordingly. No cost.

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