

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 4th day of June 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

O.A. No. 955 of 2000.

1. Udai Raj Yadav (S/O Late Sri Mohan Lal Yadav r/o Village
2. Abhai Raj Yadav { Chak Shivcher, Post Lalapur, Bhatpura,
District Allahabad.

.....

..... Applicants.

Counsel for applicant : Sri J.N. Singh.

Versus

1. Union of India through, Secretary Posts, Ministry of Communication, Government of India, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Sr. Superintendent of Post Offices, Allahabad.

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..... Opposite Parties.

Counsel for O.Ps. : Sri D.S. Shukla.

ORDER (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for seeking direction to the respondents to make payment of all retirement benefit including family pension to applicant No.2 with interest at the rate of 18%.

2. The applicants have claimed that their father Mohan Lal Yadav died in harness on 17.11.77. Their mother had died during the life time of their father. The applicants claim that they were born on 13.6.76 and 12.6.77 respectively. It is claimed that their uncle Sri Bachchan Lal was custodian and had moved an application for payment of family pension to the applicants. Both the applicants have passed their high school. It is claimed that despite efforts by the applicants, they have not been getting family pension from the respondents, hence this application.

3. I have heard the arguments of Sri J.N. Singh for applicants and Sri D.S. Shukla for respondents.

[Signature]

4. I find from letter dated 17.5.99 that the applicants had sought compassionate appointment of Applicant No.1 namely Sri Udai Raj Yadav and payment of entire amount of family pension to Applicant No.2 i.e. Abhai Raj Yadav. There was some correspondence between the respondents and the custodian of the applicants during their period of minority, which are at Annexure-2, Annexure-5, Annexure-6 and Annexure-7 to the O.A. The respondents in their letter dated 12.2.97 (Annexure-5) have stated that their mother died much earlier. In the light of the facts which came to the notice of the respondents on the basis of enquiry, the applicants were asked to produce succession certificate and guardianship certificate.

5. Counsel for applicant has claimed that the respondents should have relief ^{based on} ~~on~~ the copy of Kutumb Register produced by the applicants (Annexure-1). However, in the light of facts emanating from the enquiry, it appears that the applicants have to acquire succession certificate from the Civil Court in order that the claim of family pension could be settled by the respdt.

6. The respondents shall settle the claim of the applicant for family pension on their furnishing succession certificate to the respondents. The respondents shall settle the claim within three months of receipt of succession certificate from the applicants.

The O.A. is disposed of accordingly. No order as to costs.



Asthana/
5.6.02