

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.210 OF 2003

ALLAHABAD THIS THE 10TH DAY OF MARCH,2003

HON'BLE MRS . MEERA CHHIBBER, MEMBER-J

1 . Smt . Musarrat,  
Widow of Abdul Rasheed.

2 . Mohd . Rashid Khan (Minor)  
Son of Late Abdul Rasheed,  
under the Guardianship of  
Smt . Musarrat real mother .

Both R/o 14/47 ,B,  
Civil Lines, Kanpur,  
Nagar .

.....Applicants

(By Advocate Shri Jamal Ali)

Versus

1 . Union of India,  
through Secretary,  
Ministry of Communication,  
New Delhi .

2 . Post Master General,  
U.P. Circle Kanpur,  
Region, Kanpur .

3 . Director Postal Accounts,  
Aliganj, Lucknow .

4 . Chief Post Master,  
Head Post Office,  
Kanpur Nagar .

5 . Smt . Jameela widow of  
late Abdul Rasheed .

6 . Irfan Ahmad  
S/o Late Sbdul Rasheed .

7 . Km . Tabassum      | Daughters of Late Abdul  
                          | Rasheed

8 . Km . Shaila      |

.....Respondents

(By Advocate Shri Rajiv Sharma)

ORDER

This O.A . has been filed by two persons namely wife  
of Late Abdul Rasheed and minor son from the second wife

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Smt. Musarrat claiming the share in terminal benefits after the death of deceased employee. Accordingly M.A. filed by the applicants counsel under Rule 45(b) is allowed.

2. Grievance of the applicant in this case is that Late Abdul Rasheed who was working as Postman at Head Post Office in Kanpur had married twice and applicant herein is the second wife of Late Abdul Rasheed and since in the Muslim law four marriages are permissible, her marriage with Late Abdul Rasheed was a valid marriage. As such, after his death on 12.06.2002 she would have been entitled to her share of terminal benefits. Therefore, she had given an application on 06.07.2002 addressed to the Post Master Kanpur for releasing her share of terminal benefits which was followed by reminders on 21.07.2002 (Annexure-5 & 6 of the O.A.) but till date respondents have not decided the said representation. It is further submitted by the applicant that she has even given a legal notice through her advocate on 26.07.2002 (Annexure-7) with the O.A.). After receiving the legal notice, respondents have asked certain clarifications from the applicant vide their letter dated 02.08.2002 which is filed as Annexure-8 with the petition which was duly replied by the applicant vide her letter dated 14.08.02 (Annexure-9). Thereafter the Accounts Officer from the Post Master General office asked the Chief Post Master Head Post Office, Kanpur to get the facts verified to dispose of the matter at his own level (Annexure-10). This letter was written as back as on 21.08.2002 but till date the respondents have not decided the claim of the applicant. Thus, she had no other option but to file the present O.A.

3. I have heard both the counsel and perused the pleadings as well.

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4. Learned counsel for the respondents was seeking time to file reply to the O.A. but in the instant case, it is seen and it is categorically stated by the applicant in her application that till date respondents have not even decided her application. <sup>therefore</sup> I think no purpose would be served by calling the CA from the respondents as this case can be decided at the admission stage itself by giving a direction to the respondents to consider the application of applicants in accordance with law and keeping in view the letter dated 21.08.2002, decide the same by finally by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. After verification if it is found that applicants are due to get any terminal benefits, the same shall be paid to them according to their share in accordance with law. I have not expressed any view on merits of the case. B.

5. With the above directions the O.A. is disposed of with no order as to costs.

  
Member-J

/Nee lam/