

Legisatorial
Benefit(s) (No)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL T
AHMEDABAD BENCH

O.A. No.
TAX No.

1 of 1992

DATE OF DECISION 31.1.1992

Hiraben Chandrakant Pandya Petitioner

Mr. D.V. Mehta Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Hiraben Chandrakant Pandya .. Applicant

Versus

Union of India & Ors. .. Respondents

O.A. No. 1 of 1992

O R A L - J U D G M E N T

Dated : 31.1.1992

Per : Hon'ble Mr. R.C. Bhatt .. Member (J)

Heard learned advocate Mr. D.V. Mehta for the applicant. Mr. B.R. Kyada waives notice and appears for the respondents.

2. The matter is admitted and is finally disposed of ^{at} ~~at~~ the admission stage. The applicant has, in this original application under section 19 of the Administrative Tribunals Act, 1985, prayed that the respondents be directed to pay all the terminal benefits which late Chandrakant Manishankar Pandya was entitled to receive. Learned advocate for the applicant has submitted that the deceased Chandrakant Manishankar Pandya was working in the Western Railway at Mithapur as Cook under respondent No. 2, that he died on 13th March, 1990 in a motor accident. The applicant is a widow of the deceased and has two daughters. Learned advocate for the

applicant submitted that his apprehension is that one Jyotshanaben has also made application to respondent No. 2 for getting terminal benefits of late Chandrakant Manishankar Pandya and no amount according to her should be paid to her but the amount of terminal benefits should be paid to the applicant and her two daughters.

3. The question which requires to be considered by the respondents is whether the services of late Chandrakant Manishankar Pandya was of such a period that the heirs and legal representatives of the deceased are entitled to the terminal benefits. The department has also to consider whether the applicant and her two daughters are entitled to these terminal benefits. Therefore, at this stage, the applicant can only be directed to approach the respondents for her benefits. Hence the following order.

O R D E R

The respondents to consider the question of terminal benefits available on account of death of Chandrakant Manishankar Pandya on 13th March, 1990 and respondents should consider the claim of the applicant and her two daughters according to rules and law applicable to her. The respondents or the officer empowered to decide this claim to finally decide the claim made by the applicant

within four months from the date of receipt of
this judgment. Application is disposed of.

R C Bhatt

(R C Bhatt)
Member (J)

*Mogera