M/s M.M.Basu,
S.D.Swain.
D.Chakraborty
S.Misra,
B.K.Patra,
D.Dey   CAT / J / II

'A'

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./~~T.A./B.A.~~.No... ... .112... 1992

Arta Swain
... ...Applicant(s)

Versus

... ... Union of India and others... ... ... Respondent(s)

Sr. No.	Date	Order with Signature
1.	26.3.92	This case came up for admission today. In this application prayer of the Petitioner is to give a direction to the Opposite Party Nos.1 and 2 to pay all the dues to the legal heirs of late Pabana Swain i.e. the retiral benefits on account of the death of said Pabana Swain.

The Petitioner Arta Swain claimed to be the adopted son of late Pabana Swain and hence it was urged by Mr. Basu learned Counsel for the Petitioner that direction be given for making payment of all the retiral benefits to the Petitioner Shri Arta. From the records I find that Pabana has left behind a widow; perhaps her name is Gurubari, as mentioned in Annexure-5. Since Shri Arta claims to be as an adopted son on one side and the widow Gurubari is another claimant on the other side, Section 14 of the Administrative Tribunals Act,1985 does not contemplate adjudication of sonship etc. It is within the competency of the Civil Court. However, liberty is given to the Petitioner to file representation, if any, before the Opposite Party No.2 putting forward his claim for receiving retiral benefits and Opposite Party No.2 in his turn should give notice to the Petitioner and to Opposite Party No.3, Gurubari after

Serial No. of Order	Date of Order	Order with Signature
		hearing from both sides, order be passed according to law. If the Petitioner does not file any representation within one month from today then this order becomes ineffective. I hold that this case is not fit for admission for the reasons stated above. The case is accordingly disposed of.

Send a copy of this order to the Opposite Parties.

26.3.92
Vice-Chairman |