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O.A. No. 623 of 2010

Chandrasekhar Panda.....Applicant  
Vs  
Union of India & Ors.....Respondents

Order dated: 11.10.2010

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

Heard Mr. Gopal Krushna Nanda, Ld. Counsel  
for the applicant and Mr. D.K.Behera, Ld. Additional  
Standing Counsel appearing for the Respondents on notice,  
on whom a copy of this O.A. has already been served.

2. The claim of the applicant is that his father died  
on 21.04.2008 and his mother had already died in 1996  
much prior to the death of his father. The applicant has  
produced the extracts from the service book of his father at  
Annexure-1 along with form-V at page 13 of the O.A.,  
which reflects the name of Smt. Asamani Panda as wife of  
the deceased Govt. servant. Ld. Counsel for the applicant  
submits that after the death of the father when he did not  
receive any death-cum-retirement payments from the office  
of the deceased employee, he made some local enquiry and  
came to know that there is a dispute which has been raised

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by one Smt. Soudamini Panda, claiming to be the second wife of the deceased employee. The applicant has also produced Legalheir Certificate at Annexure-5 showing the name of Smt. Soudamini Panda as second wife and himself along with two others. He claims that this Legalheir Certificate has been obtained from the Tahsildar, Kakatpur fraudulently by the so called second wife. The applicant has already filed a Civil Suit for succession certificate in the Court of Civil Judge (Sr. Division), Nimapara and the same is still pending. Apprehending that the Respondent No. 4 (alleged second wife) may take all the benefits consequent to the death of his father, the applicant has filed this O.A. with the following prayers:

"(i) Admit and issue notice to the Respondents to file show cause;

(ii) call for the relevant papers and files of Late Rabindranath Panda regarding his service and his nomination in service papers and sanction of death benefits and family pension;

(iii) and after hearing necessary direction may be passed not to sanction/release any family pension and other monetary and service benefits in favour of the Respondent No.4;

(iv) and may sanction the above benefit in favour of the applicant for which he is

eligible alongwith his sister due to death of applicant's father while in service, the investigation agency to enquire about the matter and report it to this Hon'ble Tribunal for taking effective decision about the matter;

(v) and may pass any other order(s)/direction(s) as this Hon'ble Tribunal deems just and proper for interest of justice."

In addition to the above, he has also prayed for an interim order for direction to be issued to the Respondents not to take final decision to sanction/release of the family pension and other monetary benefits in favour of Respondent No.4 and, if sanctioned, it may be stayed.

3. The applicant also claims that he has sent few representations to the Respondent Nos.2 and 3 and the last one being addressed to Respondent No.3. Though, it is neither dated nor signed, the Ld. Counsel for the applicant submits that he will make a fresh representation to the Respondent No. 3, for taking a decision regarding the entitlement ~~of~~ the applicant to receive the rehabilitation assistance and other pensionary benefits, within a period of two weeks. If such a representation is made, Respondent No.3 is directed to consider the same as per rules as well as

the documents available in the service records of the deceased employee for release of family pension as well as offer of compassionate appointment.

4. Respondent No.3 is directed to consider and dispose of this representation with a reasoned order within a period of 30 days from the date of submission of the representation.

5. As agreed to by the Ld. Counsel for the parties, without going into the merits of the case, this O.A. is hereby disposed of with the above observation and direction.

6. Send copies of this order, along with copy of the O.A., to Respondent No.3 for compliance.

  
MEMBER (A)

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