

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A.1406 of 1996

Date of Order: 06-3-98.

Present: Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman.
Hon'ble Mr. S.Dasgupta, Administrative Member.

PAPPU PRASAD

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr.S.K.Mukherjee, counsel.
For the respondents: Mr.P.K.Arora, counsel.

Heard on: 06-3-98.

O R D E R

S.N.Mallick, VC.

This is an application where the petitioner has prayed for a direction upon the respondents to pay all the dues of his father late Jagdish Ram, ~~and~~ in absence of nomination, to the legal heirs. There are also other prayers for giving compassionate appointment to the applicant and to allow the applicant and his mother to stay in the official quarter in case the applicant is granted appointment. These two reliefs are, however not pressed. Admittedly, it is stated in the application that the deceased employee died on 12th July, 1992 during the pendency of a criminal proceeding and it is also stated that he was placed under suspension on 5.8.1972.

LD.counsel for the respondents submits that he has no instructions in this matter and has not filed any reply to contradict the allegations made in the petition.

After looking into the materials on record, we are of the view that this application is defective and all the

heirs of the deceased employee have not been impleaded.

The main grievance of the petitioner is that on the death of his father, the legal heirs have not been paid anything which was due to the deceased employee. It is also submitted by the 1st. counsel appearing for the petitioner that no representation was, however, filed by the legal heirs of the deceased employee namely, his widow and his two sons including the applicant for release of any money due to them. petitioner

Under the circumstances, we are of the view that it would not be proper to pass any final order in this defective application. We, however, dispose of the application at the stage of admission with the following.

We give liberty to the petitioner to file a joint application before the respondent authorities by himself, his mother and other brother for consideration of their claim in the matter of payment of any money or service benefits to which the deceased employee was entitled. Such representation have to be filed within one month from this day which should be considered by the respondent authorities within two months from the date of filing such representation. If the respondents take the view that the heirs of the deceased employee are not entitled to get any benefit, a speaking order should be passed to that effect and such order should be communicated to the legal heirs of the deceased employee within two weeks from the date of passing such orders. No costs.



(S. Dasgupta)
Member(A)



(S.N. Mallick)
Vice-Chairman.