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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR.

Date of Decision : 02.12.2002

O.A. No.163/2002.

1. Bismilla alias Bisoodi widow of Shri Mangi Lal alias Mangu Khan, aged 50 years.
2. Mohammad Rafique son of Shri Mangi Lal alias Mangu Khan, aged 26 years.
3. Miss Shamim daughter of Shri Mangi Lal alias Mangu Khan, aged 24 years.
4. Suhel Khan son of Shri Mangi Lal alias Mangu Khan, aged 22 years.
All residents of Kalu Khan ki Haweli, Rasala Road, Jodhpur, Shri Mangi Lal deceased driver in the officer of Central Ground Water Board, Division 15, Kolkata.

... APPLICANTS.

versus

1. Union of India through the Secretary, Government of India, Ministry of Water Resources, Shram Shakti Bhawan, New Delhi.
2. Director (Administration), Central Ground Water Board, National Highway IV, Faridabad.
3. Executive Engineer, Central Ground Water Board, Division 15, Kolkata.
5/1 K.C. Road, Crossipore Near Gun & Shail Factory, Kolkata 700002.

... RESPONDENTS.

Mr. Vijay Mehta, counsel for the applicants.
Mr. S. K. Vyas counsel for the respondents.

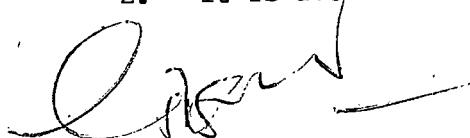
CORAM

Hon'ble Mr. Justice G. L. Gupta, Vice Chairman.

: O R D E R :
(per Hon'ble Mr. Justice G. L. Gupta)

This is an application under Section 19 of the Administrative Tribunals Act, 1985, whereby the applicants seek directions to the respondents to make payment of the Pension, Gratuity, Leave encashment, GPF, CGEGIS and all other benefits to them.

2. It is averred that Shri Mangi Lal alias Mangu Khan was a



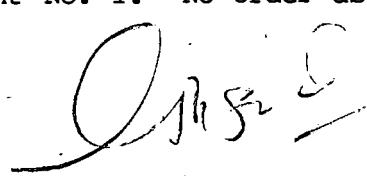
permanent Driver in the Central Ground Water Board and while posted at Kolkatta, he died on 18.04.2002. The applicants who are his widow, sons and daughter made representation for the grant of the pensionary benefit and payment of the other outstanding amount. No action was taken. Hence this OA.

3. In the reply, the respondents do not dispute that Mangi Lal alias Mangu Khan was in the service of the respondents and he died on 18.04.2002. It is further not denied that Mangu Khan was entitled to pension and that he had nominated his son Rafique for receiving the payment of GPF and nominated his wife and sons for receiving the DCRG amount and Rafique and Miss Shamim for getting the amount from Group Insurance. It is stated that Late Shri Mangu Khan did not nominate any person for getting the amount of leave encashment. It is further stated that the applicants were in haste when they approached the Court and that the steps were being taken to arrange payment and now the payment shall be made as per the orders of the Tribunal.

4. It is not disputed that the applicant No.1. is entitled to family pension and the other applicants alongwith applicant No.1 are entitled to the amounts outstanding to the credit of Late Shri Mangu Khan. It was the duty of the respondents to arrange payment of all the amounts within a period of three months from the death of the deceased employee. In any case, the applicant has also not waited for 3 months and has approached the Court. Since there is no dispute that the applicants are entitled to receive the amount on account of the death of Mangu Khan, it is a fit case in which the respondents are directed to make payment within a fixed time limit.



5. Consequently, the OA is allowed. Respondents are directed to make payments of all the sums including arrears of family pension, Gratuity, GPF, Group Insurance amount of leave encashment etc., within a period of 2 months from the date of communication of this order. The amount of leave encashment may be paid to applicant No. 1. No order as to costs.


(G. L. GUPTA)
VICE CHAIRMAN