

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00206/2015

Jodhpur, this the 11th day of May, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Ishwar Lal adopted son of late Shri Girdhari Lal, by caste Harijan, aged about 30 years, R/o village & PO Bhinder, District Udaipur (Rajasthan).

Father of applicant Late Shri Girdhari Lal was former Electrician, lastly employed in the office of Non-applicant No.3.

.....Applicant
Mr. B.S. Deora, counsel for applicant.

Versus

1. Union of India through the Secretary, Ministry of Defence, Shastri Bhawan, New Delhi.
2. The Chief Engineer, Military Engineer Service, Command Headquarter, Western Command, Pune.
3. Commander Works Engineer, Military Engineer Service, Jodhpur.
4. Assistant Garrison Engineer (I), Military Engineer Service, Eklingarh Cantt, Udaipur (Rajasthan).

.....respondents

Mr. K.S. Yadav, counsel for respondents.

ORDER (Oral)

The applicant, by way of this OA, seeks the following reliefs:-

" It is therefore most humbly and respectfully prayed that this original application may kindly be allowed and by an appropriate order or direction respondents may kindly be directed to make the payment of death cum retiral benefits of deceased employee to the applicant immediately along with an interest @ 9% PA from the day it became due. Any other appropriate writ, order or direction as may be deemed just and proper in the facts and circumstances of the case may kindly be granted to the applicant."

2. The present original application has been filed by the applicant, who is adopted son of Late Shri Girdhari Lal, for payment of death cum retiral

nomination form of late Shri Girdhari Lal, wherein the applicant, Ishwar Lal, has been shown as first nominee as his adopted son.

3. The respondent department in reply have produced a copy of the nomination form of Late Shri Girdhari Lal, wherein Smt. Kasha Bai, his wife has been shown as nominee of the deceased employee (Annexure-R/1). In another adoption certificate Annexure-R/2, Appendix-D, page 27, the deceased employee has given the name of Atish Kumar as his adopted son. The same has been produced by the respondents. In view of the contradictory documents/ papers with the department, the respondents are unable to process the claim of the applicant and give the relief as claimed by him.

4. During the course of the arguments today, the learned counsel for the applicant stated that the wife of the deceased Smt. Kasha Bai has already passed away and that the applicant is the sole nominee of late Shri Girdhari Lal. Hence, he is entitled to get the death cum retiral benefits of the deceased.

5. Per contra, counsel for the respondents stated that in the absence of original affidavit for adoption of the applicant by the deceased employee, death certificate of original nominee i.e. Smt. Kasha Bai (wife of Girdhari Lal) etc. it is not possible for them to process the claim of the applicant.

Plakshapati
6. I have gone through the facts of the case. I find that the applicant has not produced the original documents as asked for by the respondents i.e. the original adoption deed of the applicant and the death certificate of Smt. Kasha Bai, who is wife and original nominee of the late Shri Girdhari Lal. Also there is a letter from the second nominee Shri Atish Kumar dated 03.07.2014

respondent department. Since, Smt. Kasha Bai was original nominee of late Shri Girdhari Lal, it is imperative for the applicant to produce her death certificate. Secondly, since there is an adoption certificate in the name of Shri Atish Kumar, who is also a claimant for the retiral benefits of the deceased (letter dated 03.07.2014 Annexure-R/3) the applicant is directed to get an NOC from the said Atish Kumar before his claim can be processed by the respondents. Three months' time is granted to the applicant to produce the aforesaid documents before the respondent department. After receiving such documents, the respondent department is directed to make payment of death cum retiral benefits to the applicant at the earliest.

7. Accordingly, the OA is disposed of as stated above with no order as to costs.



[Praveen Mahajan]
Administrative Member

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