

Execution Application No.2825/2011
In
O.A.No.211/2009

Dated:-25.05.2012.

Hon'ble Sri. Justice Alok Kumar Singh, Member (J)

For Applicant:-Sri J.N. Mishra.

For Respondents:-Sri Rajendra Singh.

According to office no R.A. has been filed. Learned counsel for the applicant is ready with the Rejoinder Affidavit. With a view to expedite the matter as a special case, this R.A. is taken on record.

Heard. The judgment in question is dated 29.05.2009 passed in O.A. No.211/2009 (Annexure-4).

The limitation for filing an execution application is one year. This period has expired on 28.05.2010. The execution application has been filed beyond the period of limitation on 16.11.2011. There is no application for condonation of delay.

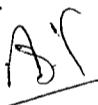
However, a counter affidavit has been filed on behalf of Respondent No. 1 to 3, saying that in compliance of the above order of this Tribunal the representation has already been decided on 08.09.2009 by means of a speaking order, which has been filed by the applicant himself. Therefore, even if this execution is to be taken within time nothing remains to be executed/complied with. Before parting with this execution application however, it may be mentioned that the widow applicant mentions herself to be 75 years of age. The above order dated 08.09.2009 reveals that the deceased employee had performed two marriages. The present applicant is the first wife and one Safia Begum was the second wife. After the death of the employee the family pension was equally divided amongst the two wives. The contention of the applicant is that the second wife has died on 29.9.2002 and has not left any minor children behind her. On this ground the said representation was made. In order to decide the matter finally, the respondents require an

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appropriate Succession Certificate from the competent Court as mentioned in this order.

It is said that Succession Certificate has now been obtained from the competent court i.e. Civil Judge Senior Division, Mohanlalganj, Lucknow on 13.12.2009 (Annexure-6) and its original has been deposited with the respondents as per their demand as has been also conceded in para-10 of the Counter Affidavit. In para-10, it is further mentioned that immediately thereafter vide order dated 10/15.11.2010 it has been sent to FA&CAO/Pension/N.E.R./Gorakhpur for further check and payment of 100% pension to the applicant (Annexure-CR-1). Then after meeting certain queries made by the FA&CAO the matter has been finally referred to the FA&CAO again vide order dated 30.12.2011 (Annexure-CR-3).

Since then about 5 months have already passed. The C.A. was filed on 27.4.2012 i.e. after about 4 months of last correspondence. It is hoped that the authorities concerned shall do the needful as the widow applicant is aged about 75 years. But, as far this execution application is concerned, the same is finally struck off in full and final satisfaction.


Member (J)

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Copy of order
Dated 25-5-2011
for payment
29-5-2011
Amit/-