

(18)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
XXXXXXDEJLXX

XXXXXX

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T.A. No. 380/87

DATE OF DECISION 22-9-1988

Shri Dyaneshwar S. Pathare & 4 Ors. Petitioners

Shri P. A. Sawant

Advocate for the Petitioners)

Versus

Union of India & 2 Ors.

Respondent

Shri R. K. Shetty

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. P.S. Chaudhuri, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement?] No
4. Whether it needs to be circulated to other Benches of the Tribunal?]

Om Dab

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Tr.380/87

1. Shri Dyaneshwar S. Pathare
2. Shri Raju S. Pathare
3. Shri Sanjay S. Pathare
4. Shri Santosh S. Pathare
5. Smt. Sumanbai S. Pathare .. Applicants

vs.

1. Union of India
through
The General Manager,
Central Railway,
Bombay.
2. General Manager,
Central Railway,
Bombay.
3. Divisional Railway Manager,
Central Railway,
Bhusawal.
4. Smt. Bhagirathibai S. Pathare,
Puntamba. .. Respondents

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil
Hon'ble Member(A) Shri P.S.Chaudhuri

Appearances:

1. Shri P.A. Sawant
Advocate for the
Applicants.
2. Shri R.K. Shetty,
Advocate for Respondent Nos.1 to 3.

ORAL JUDGMENT
(Per B.C.Gadgil, Vice-Chairman)

Date: 22-9-1988

Regular Civil Suit No.80/86 of the file
of the Civil Judge, Junior Division, Manmad is
transferred to this Tribunal for decision.

We have heard Shri P.A. Sawant for the
applicants and Shri R.K. Shetty for respondent Nos.
1 to 3. In our opinion the matter deserves to be
sent back to the Civil Court for the following
reasons:

Reb

One Shrirang Pathare was a railway employee. He died on 25-2-1986; a few months after his retirement. The retirement benefits were payable to him. A part of the amount is paid during his life time. However, DCRG amounting to over Rs.23,000/- and certain other items ~~is~~ still remained to be paid. In addition there is a claim for family pension. The plaintiffs filed the suit in question contending that Plaintiff Nos.1 to 4 as sons and Plaintiff No.5 as a widow are entitled to the amount that is payable to the deceased Srirang. As against that the claim of Defendant No.4 is that she is also a widow of the deceased Srirang and the amount is payable to her. The Plaintiffs therefore filed the suit in question claiming this right and ^{the Defendants} asking for an injunction restraining from paying the amount. It is this suit that is transferred to this Tribunal. Thus the dispute is about the heirship to the property belonging to Shrirang Pathare. The heirship dispute has to be decided by the Civil Court and it cannot be termed as a service matter so as to bring it to our jurisdiction. In view of this position the suit deserves to be retransferred to the Civil Court for proceeding further according to the law. Hence we pass the following order:-

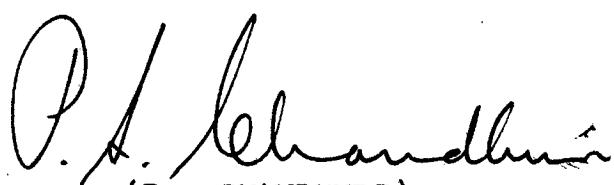
The record and proceedings of Regular Civil Suit No.80/86 be transferred to the Civil Judge, Junior Division, Manmad for proceeding further as he may deem fit.

(21)

This order should be retained in our office and a copy of this order should be sent along with the record and proceedings.



(B.C.GADGIL)
Vice-Chairman



(P.S.CHAUDHURI)
Member(A)