

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No 47/96

Transfer Application No.

Date of Decision 28.3.96

Jayshree Keshav Agre.

Petitioner/s

Shri G.K.Masand

Advocate for
the Petitioners

Versus

Union of India and others

Respondent/s

Shri Suresh Kumar

Advocate for
the Respondents

CORAM :

Hon'ble Shri. B.S. Hegde, Member (J)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S. Hegde)
Member (J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 47/96

Jayshree Keshav Agre

... Applicant.

V/s.

Union of India through
the Secretary in the
Ministry of Finance
Department of Economic
Affairs, New Delhi.

General Manager,
India Government Mint
Shahid Bhagatsingh Road
Fort, Bombay.

... Respondents

ORAL : Hon'ble Shri B.S. Hegde, Member (J)

Appearance:

Shri G.K. Masand, counsel
for the applicant.

Shri Suresh Kumar for
Shri M.I. Sethna, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 28.3.96

¶ Per Shri B.S. Hegde, Member (J) ¶

Heard Shri G.K. Masand for the applicant
and Shri Suresh Kumar for the respondents.

2. The learned counsel for the applicant
states that he has received copy of reply dated
26.3.96 yesterday. However, the said reply is not
on record.

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3. The short question for consideration is that the terminal benefits as would became payable to the applicant on the death of her husband, Shri Keshav Ramji Agre who was an employee of the respondents died while in service on 17.6.93. Despite the repeated representation the respondents did not answer positively and the respondents vide their letter dated 30.12.94 directed the applicant to furnish the divorce documents of Smt. Gangabai, first wife of late Shri K.R. Agre and succession certificate stating that she is legally wedded wife of the late Shri K.R. Agre from the Competent Court of Law. The respondents vide their letter dated 18.3.94 issued a certificate to the applicant stating that the present applicant is entitled to get the dues payable to the legal heir of late Shri Keshav Ramji Agre. Death Gratuity of Rs. 15,600/- and C.G.E.G.I. Scheme of Rs. 34,346/- totalling Rs. 49,946/- This information was furnished to the applicant for obtaining a succession certificate from court of Law.

4. The Administrator General, Maharashtra State vide certificate dated 9.5.94 stated that " Being amount of Death Gratuity and C.G.E.G.I. Scheme payable by the India Government Mint Shehid Bhagat Singh Road, Fort Bombay for Rs. 49,945/- in the name of the applicant." Thereafter, the applicant has obtained a divorce certificate from Executive Magistrate, Lanza, District, Ratnagiri on 6.3.95. stating that the

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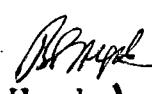
applicant is legally married wife of Shri Keshav Ramji Agre. Despite the same the respondents has not released the payments.

5. The Administrator General, Maharashtra State has no Locus standi to issue the letter dated 1.2.95 stating that the amount payable to the applicant has to be withheld untill further orders. He cannot issue further instructions to the respondents in this case for withholding the payment of the present applicant.

6. In the circumstances, I think that this is a fit case to award cost of Rs. 1000/- to the applicant. I direct the respondents to release the amount of Rs. 49,946/- within a period of one month from the date of receipt of this order, failing which they will be directed to pay interest at the rate of 15% from today.

7. The applicant is directed to make seperate application in terms of prayer 8(b) if ~~he~~ she so desire.

8. Accordingly O.A. is disposed of.


(B.S. Hegde)
Member (J)

NS