

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 563/99

Date of Decision : 5th December 2000

Smt. A.R.Kamble Applicant.

Smt. K.U.Nagarkatti Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents.

Shri V.S.Masurkar Advocate for the
Respondents.

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

(i) To be referred to the Reporter or not ? Yes

(ii) Whether it needs to be circulated to other Benches of the Tribunal ? No

(iii) Library Yes

S.L.JAIN
(S.L.JAIN)
MEMBER (J)

msd *

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.563/99

Dated this the 5th day of December 2000.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Smt.Anusaya Ramesh Kamble,
R/o Dehu Road, Tal.Maval,
Pune.

... Applicant

By Advocate Smt.K.U.Nagarkatti

V/S.

1. The General Manager (Trans),
M.T.N.L. Telephone House,
Prabhadevi, V.S.Marg,
Dadar, Mumbai.
2. The Divisional Engineer
D.E. (JN - South), M.T.N.L.
Mumbai.
3. Smt.Jijabai Limbaji Kamble,
P.O. Kargani, Tal. Atpadi,
Dist. Sangli.

... Respondents

By Advocate Shri V.S.Masurkar
for Respondents No. 1 & 2.
Respondent No. 3 present in
person.

ORDER

(Per: Shri S.L.Jain, Member (J))

This is an application under Section 19 of the
Administrative Tribunals Act,1985 for a direction to process and
pay half share of all terminal benefits and dues such as
provident fund amount, insurance dues, gratuity, leave encashment
and other dues, payment of family pension, along with interest at
the rate of 18% p.a. and appointment to the applicant on
compassionate ground.

S/LJ

2. The applicant claims to be the widow of Shri Ramesh Limbaji Kamble who was employed in the Office of M.T.N.L. in the City Telephone Exchange (South), Bombay as a Peon who expired on 18.8.1998.

3. The private respondent Smt. Jijabai Limbaji Kamble claims to be the mother of the deceased Shri Ramesh Limbaji Kamble.

4. The applicant claims to be the legally wedded widow of the deceased Shri Ramesh Limbaji Kamble. Smt. Jijabai Limbaji Kamble has averred in his written statement that it is specifically denied that the applicant is the legally wedded wife of Shri Ramesh Limbaji Kamble. It is further stated that the applicant has married with another person by name Ramchandra Shankar Kamble and blessed with two children. In para 4 of the written statement, it is stated that the applicant is a divorcee and she is not legally wedded wife of her son after the said divorce. It is further stated that after the said divorce the applicant had remarried. Thus, there is a dispute regarding the status of the applicant between the parties.

5. It appears that in service record the applicant's name has also appeared as wife of late Ramesh Limbaji Kamble.

6. The respondents have refused to disburse the retiral benefits to the applicant as well as to the Respondent No. 3 in view of the fact that there is a serious dispute between the applicant and the Respondent No. 3 in respect of succession and the right of entitlement. Hence, to protect the public exchequer, they have asked the parties to produce the succession certificate from the competent court of law by impleading each other as the party in the proceedings before the competent court of law.

7. During the course of hearing, the learned counsel for the applicant also brought to my notice that the matter regarding succession certificate filed by the applicant is pending in competent court of civil jurisdiction in which Respondent No. 3 is also a party to the proceedings. She has further stated that Respondent No. 3 has also filed a matter relating to succession in another court without impleading the applicant as party. It is suffice to state that when applicant is aware of this fact, she can intervene in the said matter also.

8. The learned counsel for the official respondents submitted that till the decision of the said matter, they should not be burdened with interest. This is not a matter in dispute before me. Hence, no order can be passed in this respect.

SADH

..4/-

9. The learned counsel for the applicant stated that till the matter is decided by competent civil court in respect of succession, the respondents be ordered not to disburse the retiral benefits to the Respondent No. 3. It is suffice to state that official respondents are bound to see that their liability to pay retiral dues is duly discharged, that is to say that payment should be made to the person who is legally entitled to receive it. The official respondents have taken steps in the said direction which we affirm. Hence, further direction is not necessary.

10. In the result, OA. is disposed of with the direction that till the status of the applicant is not decided by court of competent civil jurisdiction, this Tribunal is not competent to grant any relief as asked for in favour of the applicant. OA. stands disposed of with no order as to costs.

S.L.JAIN
(S.L.JAIN)

MEMBER (J)

mr.j.