

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:272/2001

DATE OF DECISION: 3.9.2002

Shri Ram Mahadeo Sathe and 3 others. Applicant.

Shri S.P. Saxena Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shri R.R. Shetty for Shri R.K. Shetty. Advocate for

CORAM

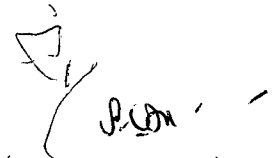
Hon'ble Shri S.L. Jain, Member (J)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

no

(3) Library.


(S.L. Jain)
Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMABI.

ORIGINAL APPLICATION NO: 272/2001

TUESDAY the 3rd day of SEPTEMBER 2002

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

1. Ram Mahadeo Sathe
Type I, 20/15 R.H. Estate,
Poona.
2. Master Laxman Kisan Sathe
(Minor) son of Late
Kisan Mahadeo Sathe, through
Ram Mahadeo Sathe.
3. Master Kiran Kisan Sathe
(Minor) son of Late
Kisan Mahadeo Sathe, through
Mr. Ram Mahadeo Sathe.
4. Master Somnath Kisan Sathe
(Minor) son of Late
Kisan Mahadeo Sathe, through
Ram Mahadeo Sathe.
(All residing at Q-No. 20/15 Type I,
Range Hills Estate, Kirkee, Poona-3) ...Applicants.

By Advocate Mr. Neelima Gohad for Shri S.P. Saxena.

V/s

1. The Union of India through
The Secretary,
Ministry of Defence,
DHQ PO, New Delhi.
2. The Commandant
Dehu Armament Depot
Dehu Road, Poona(District)
3. Smt. Changubai K. Sathe,
C/o Shri Mahadeo Naik Sakate,
AT and PO : Chikali,
Patil Nagar, Tal. Haveli,
Dist. Pune. ...Respondents.

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

O R D E R (ORAL)

{Per S.L. Jain, Member(J)}

This is an application under Section 19 of the
Administrative Tribunals Act 1985 for the direction to the

Per, ...2...

respondents to pay family pension as applicable under the Pension Rules, to applicant No.2 to 4 through applicant No.1., Provident Fund, DCRG, CGEIS etc. which is payable to applicant No. 2 to 4 due to death of Late Shri Kishan Mahadeo Sathe through applicant No.1 alongwith interest at 18% per annum.

2. ApplicantNo. 2 to 4 claims to be the son of late Shri Kishan Mahadeo Sathe. When OA was filed applicant No.1 Shri Ram Mahadeo Sathe was not appointed as Guardian for applicant No. 2 to 4. The learned counsel for the applicant submitted an order in M.P. 908/2001 by 6th Additional District Judge, Pune, wherein it is stated that applicant No.1 is appointed as Guardian of the minors namely Laxman Kisan Sathe, Kiran Kisan Sathe and Somnath Kisan Sathe. (Applicant No. 2 to 4).

3. The learned counsel for the respondents stated that Mrs. Changubai Kisan Sathe is the widdow of Shri Kisan Mahadeo Sathe, in whose favour nomination exists regarding DCRG executed by late Kisan Mahadeo Sathe, R1 (OA page 40). In view of the said nomination he submitted that the order passed in M.P. 908/2001 referred above does not affect her right. Suffice to state that in case of DCRG, the right of Mrs. Changubai survives subject to decision by Competent Court.

4. With respect to GPF, Gratuity etc. the learned counsel for the respondents stated that 3 copies of passport size photographs of three minor children, the said minor children to

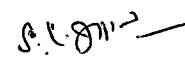
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come to the Depot to fill up descriptive roll which contains signature / thumb impressions, height, identification marks, date of birth, address and name of the bank etc. is required. The learned counsel for the applicant has stated that a Savings Account has been opened in SBI Khadki (01190063471). In such circumstances only two formalities which is stated above has to be conmmpleted by the applicants. The learned counsel for the applicant also stated that the order passed by 6th Additional District Judge, Pune has been submitted to the respondents.

5. The applicant is entitled to the relief which he claims but cannot seek a negative declaration regarding the right of Smt. Changubai, Respondent No.3 who has not appeared before this Tribunal in spite of notice. Such an exercise to be completed before a competent Court of jurisdiction.

6. In the result OA is allowed. The respondents are ordered to pay applicant No.1 (Guardian for applicant No.2 to 4), the family pension (50% of entitlement), Provident Fund, CGEIS etc. ^{as per their entitlement - M} with an interest at the rate of 9% per annum with effect from 5.9.2000 till actual payment is made. The guardinaship certificate was not available with applicant No.1 and it is delivered on 25.7.2002, as such the applicants are not entiled to any cost. O.A. stands disposed of, with no order as to costs.


(S.L. Jain)
Member (J).

NS.

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI.

C.P.74/2003 in
ORIGINAL APPLICATION NO: 272/2001

TRIBUNAL'S ORDER

DATED: 12.11.2003

Ms. Neelima Gohad for Shri S.P. Saxena counsel for the applicant. Shri R.R. Shetty counsel for the respondents.

2. C.P. 74/2003 has been filed by the applicant for implementation of the order dated 3.9.2002 passed in OA 272/2001. The Tribunal has given the following direction to the respondents.

In the result OA is allowed. The respondents are ordered to pay applicant No.1 (Guardian for applicant No.2 to 4), the family pension (50% of entitlement), Provident Fund, CGEIS etc. as per their entitlement with an interest at the rate of 9% per annum with effect from 5.9.2000 till actual payment is made. The guardianship certificate was not available with applicant No.1 and it is delivered on 25.7.2002, as such the applicants are not entitled to any cost. OA stands disposed of, with no order as to costs.

3. The learned counsel for the respondents have submitted a copy of the sanctioned order issued vide dated 9.8.2003 addressed to State Bank of India, Pune for payment of Pension, DCRG, GPF, CGEGIS as per the order of the Court.

4. The learned counsel for the applicant further mentioned that the applicant has not received any amount.



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The learned counsel for the respondents have served copy of the sanctioned order dated 9.8.2003 today.

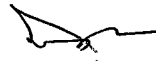
5. The learned counsel for the respondents seeks time to pay interest at the rate of 9% per annum with effect from 5.9.2000 till actual payment is made. The learned counsel for the respondents have stated that except the interest all the payments have been paid as the per the direction. The respondents seeks one months time to implement the order fully as per the direction of the Tribunal. No further time shall be granted.

6. List the case on 15.12.2003.

7. Copy of the order be given the counsel for the parties today.



(Muzaffar Husain)
Member(J)



(S.K. Agrawal)
Member(A)

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12/11/03