

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:766/2001

DATE OF DECISION: 19th Dec, 2002

Smt. Arti Anil Waje

Applicant.

Smt. S.S. Marne

Advocate for
Applicant.

Verses

Union of India and others

Respondents.

Shri V.D. Vadhavkar for Shri M.I. Sethna

Advocate for

CORAM

Hon'ble Shri S.L.Jain

Member (J)

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

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

(3) Library. yes

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

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:766/2001

the 19th day of DECEMBER 2002

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

Smt. Arti Anil Waje
Residing at Kohinoor
Mill Chawal No.3,
Room No. 170, Naigaon,
Dadar, Mumbai.

...Applicant.

By Advocate Smt. S.S. Marne.

V/s

1. Union of India through the
Secretary, Ministry of
Finance, North Block,
New Delhi.
2. The General Manager
India Government Mint,
Shahid Bhagatsingh Road,
Fort, Mumbai.
3. Administrative Officer
India Government Mint
Shahid Bhagatsingh Road,
Fort, Mumbai.
4. Smt. Jaywanti Sadashiv Wage
Residing at Mahatma Gandhi
Smriti Vashat, Room No.90-3-20
Jeharbai Wadia Road,
Parel, Mumbai.

Respondents.

By Advocate Shri V.D. Vadhavkar for Shri M.I. Sethna.

O R D E R

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

This is an application under Section 19 of the Administrative Tribunals Act 1985 for the declaration that the impugned Memorandum dated 14.6.2001 (Exhibit A) is absolutely illegal, bad in law, deserves to be quashed and set aside with direction to the respondents to pay to the applicant the

S.L. Jain

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amount standing to the credit of General Provident Fund (GPF), Group Insurance, Gratuity, Family Pension, Wages for earned leave, arrears of earned wages etc. together with interest thereon at the rate of 21 % p.a. from 14.9.1999 till actual payment.

2. Shri Anil Sadashiv Waje was married to Mrs. Ashwini Anil Waje, Mrs. Ashwini Anil Waje and their son Master Prashant Anil Waje had expired in an accident in 1995.

3. Shri Anil Sadashiv Waje on 11.3.1988 nominated Smt. Jaywanti, his Mother for DCRG and CGEGI Scheme. On 12.9.1988 he nominated his wife Mrs. Ashwini for GPF in alternate his mother Smt. Jaywanti. On 6.9.1993 he nominated for DCRG and CGEGI Scheme his wife Mrs. Ashwini A.Waje and in alternative Master Prashant A.Waje.

4. After the death of Smt. Ashwini A. Waje and Master Prashant A Waje in the year 1995, Shri Anil Sadashiv Waje also expired on 21.10.1999 13-9-99 9

5. The applicant claims that her maiden name is Manda daughter of Shri Laxman Mahadik. She was married to Shri Anil Sadashiv Waje on 28.4.1998, according to Hindu Vedic Rites at Shrikrishna Mandir Sabhagrih (Ground Floor), Sadanand Jadhav Marg, Naigaon, Mumbai. She lived with her Husband and Mother-in-Law for sometime, but thereafter they separated from Mother-in-Law and lived separately with her husband. She

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informed the respondents about the death of Shri Anil Sadashiv Waje. She represented the matter regarding her dues vide her representation dated 5.11.1999, 10.1.2000 and 26.10.2000. Reply dated 7.11.2000 ^{was} received and thereafter the respondents passed the impugned order dated 14.6.2001 asking the applicant to submit the Succession Certificate from the Court to enable them to process the family pension and other benefits. The applicant has challenged the said letter dated 14.6.2001 (Exhibit A).

6. The OA was filed on 23.10.2001. Thereafter on 10.6.2002 in view of the order of the Tribunal the applicant moved M.P. 473/2002 and Smt. Jaywanti Sadashiv Waje is arrayed as Respondent No.4. Respondent No.4 filed the written statement on 1.7.2002 admitting the fact of marriage of applicant with her son Shri Anil Sadashiv Waje and stated that she is in receipt of family pension after the death of her husband Shri Sadashiv Gunaji Waje.

7. The applicant has pleaded in para 4.11 that it is not disputed by anybody that she is lawfully wedded wife of Shri Anil Sadashiv Waje. There is no denial by the respondents in that respect. On the other hand respondent No.4, who is mother of Shri Anil Sadashiv Waje had admitted the marriage of the applicant with her son Shri Anil Sadashiv Waje.

8. Nomination is in favour of Smt. Jaywanti Sadashiv Waje the mother of Shri Anil Sadashiv Waje in respect of DCRG and CGEGI Scheme is superseded by another nomination dated 6.9.1993

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in favour of Smt. Ashwini Anil Waje in alternative Master Prashant Anil Waje.

9. Nomination of GPF also became ineffective as Smt. Ashwini Anil Waje and Master Prashant Anil Waje expires in an accident in 1995, but alternative nomination in favour of his mother Smt. Jaywanti Sadashiv Waje survives.

10. The respondents are bound to make the payment to the person who is legally entitled for the same as per nomination or as per their right. As the marriage between Arti Anil Waje and the applicant is established by affirmation by Mrs. Jaywanti Sadashiv Waje, the mother of Shri Anil Sadashiv Waje and is not being disputed by anyone, as none has filed the claim before respondents even in respect of death of Shri Anil Sadashiv Waje which has taken place in the year 1998 there is no reason to arrive to different conclusion than that that the applicant is the widow of Anil Sadashiv Waje, particularly when affirmation of Smt. Jaywanti is against her own interest. As such it is held that the applicant is the widow of Shri Anil Sadashiv Waje. It is not necessary to ask Succession Certificate particularly when the facts are not in dispute at all.

11. Smt. Jaywanti Sadashiv Waje, respondent No.4 is entitled to GPF amount subject to the rights that applicant may establish to the same. The payment of GPF amount to Smt. Jaywanti Sadashiv Waje, respondent No.4 willd be a validated by discharge of the liability of the respondents No 1 to 3. The applicant is entitled to all other dues of DCRG, CGEGIS, wages etc if any and every other dues payable to Shri Anil Sadashiv Waje.

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12. In the result the OA is allowed. The respondents are ordered to pay to the applicant the family pension commencing from ^{14.09.1999} 22.10.1999 DCRG, CGEGIS, Wages if any payable to Anil Sadashiv Waje and other retiral benefits within a period of one month from the date of receipt of copy of the order. The respondents are further directed to pay GPF amount to Respondent No.4 within a period of one month from the date of receipt of copy of order. No order as to costs.

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

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Corrected as per order on 29.8.03,
passed on 18-9-03. 29/8/03