

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

(12)

O.A. NO: 554/90

199

T.A. NO:

DATE OF DECISION 9.3.1992

Smt. Vilasbai Pannalal Sharma Petitioner

Mr. Varande

Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. P.S.Lambat

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, V/C

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

mbm*

U.C.Srivastava
(U.C.Srivastava)
V/C

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
CAMP AT NAGPUR
* * * *

(13)

Original Application No.554/90

Smt. Vilasbai Pannalal Sharma &
another. ... Applicants

V/s

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava

Appearances:

Mr. Va rande, Advocate
for the applicant and
Mr. P.S.Lambat, Counsel
for the respondents.

ORAL JUDGMENT:

Dated : 9.3.1992

(Per. U.C.Srivastava, Vice-Chairman)

The applicants who are the widow and daughter of one Pannalal Sharma earlier filed a suit which was decreed and appeal against which was allowed. Both of which were without jurisdiction as the same were decided after coming in force of the Administrative Tribunal Act as such they have approached this Tribunal praying that the applicants are the only legal heir and representatives of the deceased Pannalal Sharma are entitled to get family pension, gratuity, provident fund, emoluments, pay salary and all other monetory benefits to which the deceased Pannalal was entitled to and the respondents are bound to settle the account and all other benefits but they have not done so. The said Pannalal entered the Railway service on 18.2.1949 and was confirmed in the year 1952. In October 1968 he was working as Liverman in Jhansi Division. According to the applicants since

then the said Pannalal became traceless and the all the efforts to trace him out failed and as such now it can be presumed that the said Pannalal is dead. The respondents lingered over the matter and statements have been made more than once that the full particulars of the said Pannalal are not known. On 08.7.1991 the learned counsel for the applicant stated that the full name of the said Pannalal was Pannalal Mulchand and he was working at Vrindavan Road Station as a Leverman under Superintendent, Agra and that is why the respondents were granted time to file their reply, if any, upto 31.8.1991. Again the learned counsel for the respondents stated that the particulars could not be known. It only indicates that the respondents are reluctant to settle the dues of the said Pannalal. Accordingly, this application filed by the legal heirs and cannot be postponed from their rights in this manner. The said Pannalal is traceless from the year 1968. As such it can be presumed that he is dead. So the respondents are directed to settle the pensionary dues and all other monetory benefits to which the said Pannalal would have been entitled to within a period of three months and pay the same to the heirs and legal representatives i.e. the applicants within another two months along with 10% interest. No order as to costs.


(U.C. Srivastava)
Vice-Chairman