

3

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1108/95
Transfer Application No. --

Date of Decision : 2-11-1995

Smt. Belabai Bala Solanki

Petitioner

Mr. S. P. Saxena

Advocate for the
Petitioners

Versus

U.O.I. & Ors.

Respondents

Mr. Ravi Shetty


Advocate for the
respondents

C O R A M :

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

The Hon'ble Shri --

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


(B.S. HEGDE)
Member(J)

M

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 1108/95

Date: 2-11-1995

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

Smt.Belabai Bala Solanki .. Applicant

(By Mr.S.P.Saxena
Counsel for
Applicant)

V/s.

Union of India & Ors. .. Respondents

(By Mr.Ravi Shetty
Counsel for
Respondents)

ORDER

(Per B.S.Hegde, Member(J))

Heard Mr.S.P.Saxena for the applicant
and Mr.Ravi Shetty counsel for the respondents.
Respondents have not yet filed their reply.


2. The brief facts of the case are that
the applicant is grand mother of (a) Kapil Gopal
Sarsar, aged 9 years and (b) Ravi Gopal Sarsar
aged 7 years, who are the sons of late Shri Gopal
Puran Sarsar, who was employed as Sweeper in the
Ammunition Depot, Dehu Road, Pune (Respondent No.2)
who died on 22-9-1993. His wife died on 20-12-1990.
The applicant who is looking after the welfare
of the children obtained succession certificate
dt. 26-4-95 by which she is entitled to receive
all terminal amounts payable to late Shri Gopal
Puran Sarsar. Before obtaining succession certi-
ficate they also inserted a public notice in the
local newspaper on 19-5-94 asking for objections
from anyone opposing grant of succession certificate
to the applicant. No one came forward to claim the

5

amount.

3. In the circumstances respondents are not justified in withholding the claim of the applicant subsequent to the receipt of succession certificate. Accordingly, whatever amounts payable to the deceased employee should be kept in a nationalised Bank in the name of the children till they attain majority. Since the respondents have received the succession certificate from the present applicant (grand mother of the minor children) on 26-4-95 and the respondents vide their letter dated 3-6-95 intimated the applicant that similar claim has been preferred by one Mrs. Sonabai Gopal Sarsar through a legal notice, neither the request of the lady concerned nor the legal notice is available on file. The respondent is duty bound to disburse the amounts payable to the deceased employee to the applicant on the basis of succession certificate and they will be discharged from their liability because succession certificate is earlier than the request from the alleged wife of the deceased employee. Respondents are hereby directed to work out the pension payment for the children also and the same may be paid within two months from the date of receipt of the order.

4. With the above direction the O.A. is disposed of.


(B.S. HEGDE)
Member(J)

M

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.No.6, PRESCOT RD, 4th Floor,
Bombay - 400 001.

REVIEW APPLICATION NO.17/96 in

ORIGINAL APPLICATION NO.1108/95.

Thursday the 18th of January, 1996.

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

Smt. Sonabhai Gopal Sarsar
(Review Petitioner)
(Advocate by Smt.Nagakatti)

... Applicant

V/s.

Union of India & Ors.
(Advocate by Shri R.K.Shetty)

... Respondents

ORDER

U II / 0
22/11

[Per Shri B. S. Hegde, Member (J)]

Heard Smt.Nagarkatti, Counsel for Applicant.

Shri R.K.Shetty takes notice on behalf of
respondents.

Department representative Shri C.S.Mansoor
is present.

Tribunal vide its order dated 20/9/95 directed
the applicant to include Mrs.Sonabhai Gopal Sarkar
as a necessary party in this OA and carry out the
amendment accordingly. The said amendment has not
been carried out by applicant. Earlier Shri S.P.Saxena,
appeared for the applicant. Now Smt.Nagarkatti
appears for the Intervenor.

Issue notice to Shri S.P.Saxena, who appeared
on behalf of applicant on earlier occasion. Respondent

is directed to file reply to RP-17/96. Rejoinder if any to be filed by applicant in next two weeks.

It is understood from the respondents counsel that as per the direction of the Tribunal dated 2/11/95, to disbursement of the amounts of the deceased employee to the minor children has not been done till date. If that is so, the same may be stayed till the disposal of the Review Petition.

Put up for orders on 11/3/96.


(B.S. HEGDE)
MEMBER (J)

abp.