

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 599/97

Date of Decision: 3.9.98

Shri Bhagwandas Parumal Mangtani **Applicant.**

Shri A.S. Bhamhani. Advocate for
Applicant.

Versus

Director, Directorate of Purchase and Stores, DAE, Vikram Saranjan Bhavan, Mumbai and others. Respondent(s)

Shri R.R.Shetty. Advocate for Respondent(s)

CORAM:

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

Hon'ble Shri

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

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

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO: 6
PRESCOT ROAD, BOMBAY:1

Original Application No. 599/97

Wednesday the 3rd day of September 1997.

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

Bhagwandas Parumal Mangtani
Flat No. 602, Amar Jyoti Apartment,
6th Floor, Near Siru Chowk
Ulhasnagar, Dist. Thane.

... Applicant.

By Advocate Shri A.S. Bhamhani.

V/s.

Director,
Directorate of Purchase & Stores,
Department of Atomic Energy, GOI
Vikram Sarabhai Bhavan,
Anushaktinagar.
Mumbai.

Administrative Officer
Directorate of Purchase and Stores
Department of Atomic Energy, GOI
Vikram Sarabhai Bhavan,
Anushaktinagar,
Mumbai.

Asstt. Personnel Officer(ESTT.)
Directorate of Purchase and Stores
Department of Atomoc Energy, GOI
Vikram Sarabhai Bhavan, Anushaktinagar.
Mumbai.

... Respondents.

By Advocate Shri R.R. Shetty.

O R D E R (ORAL)

¶ Per Shri B.S. Hegde, Member (J) ¶

Applicant's wife was working in the
Department since 1987 as Purchase Clerk. While
in service she died on account of burn injuries on
28.1.92. Admittedly she had nominated her husband
Shri Bhagwandas P. Mangtani for the purpose of payment
of Death-cum-Retirement Gratuity and other terminal

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benefits vide her single from nomination dated 13.3.91. It is stated that criminal case was filed against the applicant at the instance of the parents of the deceased. Only F.I.R. was filed. An ex parte interim stay was granted against payment of terminal benefits to her husband by the Civil Judge at Ulhasnagar on 18.11.92. Against which the applicant has preferred an appeal before the District Court. The District Court, Thane vide order dated 9.2.96 vacated the Temporary injunction till final disposal of the suit dated 18.11.94 was quashed and set aside. In the result nothing remains to be decided by the Civil Court.

The learned counsel for the respondents stated that since criminal case was pending against the applicant they did not pay the terminal benefits. In my view the department is not justified in withholding the terminal benefits, since there is admittedly no stay. I hereby direct the respondents to release the terminal benefits in favour of the applicant within a period of one month from the date of receipt of this order. Accordingly the O.A. is disposed of. No order as to costs.



(B.S. Hegde)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

REVIEW PETITION NO.: 91/97 IN O.A. No. 599/97.

Dated this Wednesday, the 5th day of November, 1997.

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

Bhagwandas Parumal Mangtani ... Applicant

Versus

The Director,
Directorate Of Purchase &
Stores Department of
Atomic Energy & Others ... Respondents.

VERSUS

Shri Gulabrai G. Talreja ... Review
& Another. Petitioners.

TRIBUNAL'S ORDER BY CIRCULATION :

(PER.: SHRI B. S. HEGDE, MEMBER (J))

The applicants have filed this Review Petition against the order of the Tribunal dated 03.09.1997 in O.A. No. 599/97. The only contention raised in the review petition is that, there was a criminal case pending against the applicant and he is not a fit and proper person to be allowed to recover the dues payable to the legal heirs of the deceased as he is suspected to be responsible for the death of his wife. However, on perusal of the judgement, I find that the deceased wife had nominated the husband for the payment of D.C.R.G. and other terminal benefits as back

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as 13.03.1991. It is true that though the criminal case was pending against the applicant, against the order of the Civil Judge, the applicant had preferred an appeal before the District Court and the District Court, Thane vide order dated 09.02.1996 vacated the temporary injunction till final disposal of the suit dated 18.11.1994, which is quashed and set aside. Therefore, nothing remains against the applicant. Accordingly, in terms of the nomination, the respondents were directed to release the amount on behalf of the applicant and discharge the liabilities, which would be in accordance with the rules.

2. In the result, I do not find any new facts brought to my notice nor any error apparent on the face of the record, as such, the Review Petition is not maintainable and the same is dismissed by circulation.


(B.S. HEGDE)
MEMBER (J).

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dd. 5/1/97
order/Judgement despatched
to Applicant/Respondent(s)
on 17/11/97

2/11/97