

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1454/96

dated : 17-4-1997

Between

Ms. Zaina Bee

: Applicant

and

1. Union of India, rep. by
its Secretary to Defence
Min. of Defence
New Delhi

2. The Chief Controller of
Defence Accounts (Pensions)
Allahabad (UP)

3. Air Officer Commanding
Air Force Station
Hakimpet
Secunderabad 500014

: Respondents

Counsel for the applicant

: CMR Velu
Advocate

Counsel for the respondents

: V. Vinod Kumar
Addl. CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *Q/nr*

OA.1454/96

dt.17-4-97

Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member(A))

Mr. R. Yogender Singh for Mr. C.M.R. Velu on behalf of the applicant. Mr. V. Vinod Kumar for the respondents.

1. The applicant is an unmarried sister of Shaik Bhadrudhin, who worked as Chowkidar in the Air Force Station, Hakimpet, during 1966-1986. After nearly 23 years of service he sought voluntary retirement on medical grounds, was allowed to retire in 1986, and passed away in 1991. Shaik Bhadrudhin was a bachelor. The other members of the family who survived the said Shaik Bhadrudhin were his parents, two brothers, and a sister who is the present applicant. She seeks the grant of family pension in respect of her deceased brother from the date of his death till the attainment of 25 years by herself.

2. The applicant relies on a legal heir-certificate issued by MRO, Secunderabad, on 3-7-1991. It is seen, however, that this certificate is full of discrepancies. It not merely excludes the name of one of the two brothers of the deceased employee, Shaik Yunus, but also alters the name of the second brother Shaik Zahiruddin, into Shaik Jainuddin. The names and ages as given in the certificate are at variance with the names and ages given in the nomination form filed by the deceased employee with the Department in the year 1971. Owing to such blatant

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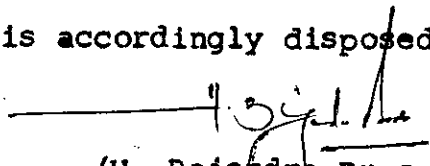
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inaccuracies, not much reliance can be placed on the legal-heir-certificate on which the applicant banks so heavily.

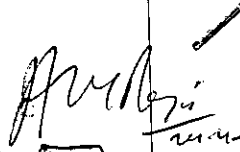
3. Sri V. Vinod Kumar, on behalf of the respondents, argues that the present applicant, viz., the unmarried sister of the deceased employee cannot be accepted as a proper claimant as her claim is not covered by Rule 54(14)(b) of CCS(Pension) Rules, 1972. Nor are the Extra-ordinary Pension Rules, cited by the applicant, in any way relevant, firstly, on account of the fact that these rules do not cover cases where the Government services were paid from the Defence estimates, and, secondly, because the said rules do not cover cases of natural death long after voluntary retirement from service. The rules pertain only to deaths due to injuries, or violence, while in the actual performance of duties. Sri Vinod Kumar, therefore, urges that there is no merit in the case and it should be dismissed.

4. There is force in the arguments set forth by the learned Additional Standing counsel. I do not find any thing worthwhile by way of merit in this OA. The applicant cannot seek remedies as prayed for on the strength of the facts brought out by her in the OA. The claim is not covered by any rule nor are the rules cited by her applicable to her.

5. The OA is therefore dismissed as lacking any merit at the admission stage and is accordingly disposed of.


(H. Rajendra Prasad)
Member (Admn.)

Dated : 17 April, 1997
Dictated in Open Court


Deputy Registrar (Dce.)

O.A. 1454/96

To

1. The Secretary to defence,
Ministry of Defence,
Union of India, New Delhi.
2. The Chief Controller of Defence Accounts
(Pensions) Allahabad(UP).
3. The Air Officer Commanding Air Force Station,
Hakimpet, Secunderabad-14.
4. One copy to Mr.C.M.R.Velu, Advocate, CAT.Hyd.
5. One copy to Mr. V.Vinod Kumar, Addl.CGSC. CAT.Hyd.
6. One copy to Hon'ble Member(A)CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 17-4-1997

~~ORDER~~/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

1454/98

T.A.No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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