

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 67/2003

DATE OF ORDER: 6.1.2004

Master Mahendra Singh aged 10 years and Miss Vimla Singh aged 8 years, son & daughter of Late Shri Suraj Singh through next friend Thakur Vikramaditya Singh son of Shri Thakur Raghuveer Singh aged 46 years R/o Kalyan Kunj, 17, Civil Lines, Jaipur.

.... Applicant.

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Manager (North), Western Railway, Jaipur.

.... Respondents.

Mr. Dalip Singh, Counsel for the applicant.

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Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

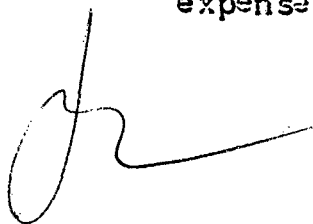
Hon'ble Mr. R.K. Upadhyay, Member (Administrative)

Hon'ble Mr. Bharat Bhushan, Member (Judicial)

ORDER (ORAL)

This application u/s 19 of the Central Administrative Tribunal's Act, 1985 has been filed by one Shri Thakur Vikramaditya Singh, the next friend of the minors, Master Mahendra Singh aged 10 years and Miss Vimla Singh aged 8 years, children of Late Shri Suraj Singh. It is claimed that Shri Suraj Singh who ^{was} ~~is~~ in employment in the Railways on the post of Fitter in Electrical Division, died on 11.9.1990 while in service. In this OA, following reliefs have been claimed :-

- "(i) That the total amount of GPF, Insurance, Gratuity payable after death of Suraj Singh under the rules be deposited in some scheduled bank in the name of Master Mahendra Singh and Miss Vimla Singh, minors.
- (ii) That under the directions of this Hon'ble Tribunal, the Bank may be directed to pay the amount for the day to day expenses to the S.O.S. Village from out of the interest on the principal amount till the applicants attain majority by withdrawing the required amount to meet out monthly expenses of Education, clothing and lodging/boarding.



- (iii) That the family pension payable under the rules after the death of Suraj Singh may also be deposited every month in the Bank in the name of Master Mahendra Singh & Miss Vimla Singh, minors.
- (iv) That this Hon'ble Tribunal may also direct the respondent to consider the case for appointment of the applicant as dependent of the deceased employee Suraj Singh after attaining the age of majority if applied for by Master Mahendra Singh or Miss Vimla Singh dependents of the deceased Suraj Singh.
- (v) Any other relief which deems fit and proper may also be passed in favour of the minor son and daughter through the next friend."

2. The learned counsel appearing on behalf of the applicant has submitted that this Tribunal should order ~~the~~ the payment ~~of~~ dues to the heirs of the deceased employee.

3. The respondents in their reply have stated that "OA is admitted to the extent that the any legal heirs of the deceased will be entitled to get all claim subject to furnishing a Guardian Certificate duly issued by the competent court though the legal heirs had been informed by the respondents to produce the guardian certificate to the competent court but since the same has not yet produced before the Railway administration." The learned counsel for the respondents has stated that the legal heirs are entitled to receive the GPF, Gratuity, Insurance and family pension as per rules. However, it was further stated by the learned counsel that these payments can be made ~~only~~ only after furnishing the required Guardian Certificate from the Competent Court.

4. We have heard the learned counsel for the parties and have perused the material available on record.


5. The relief claimed are admitted by the respondents to the extent that they are willing to make the payment of dues to the heirs of deceased employee. Since the deceased ~~an~~ Govt. employee did not nominate to whom the amounts are to be paid, they have difficulty in making payment to the friend. Therefore, we are of the view that the objection raised by the respondents


Order
are

are correct. We may note that even the mother of the minors expired before the death of the deceased employee and there are no other legal heirs of the deceased employee except the minors. Therefore, any amount ^{is} to be paid only to the Guardian as declared by the Court having competent jurisdiction. It may be mentioned ^{that} in a similar situation, this Tribunal in a Full Bench in the case of two ladies claiming family pension decided that this Tribunal has no jurisdiction to decide their claim and the Civil Courts only have the jurisdiction. This was the five Judges Full Bench decision dated 25.2.2000 in OA No. 237/1996 and 149/94 reported at Page No. 134 of Administrative Tribunal Full Bench Judgement 1997-2000.

6. In the light of our observation in the preceding paragraphs, we hold that this Tribunal cannot issue any direction for payment to the next friend, who has filed this OA/ to the minors of the deceased for want of jurisdiction. He may approach the competent Court having jurisdiction in the matter.

7. This Application is disposed of accordingly without any order as to costs.


(BHARAT BHUSHAN)
MEMBER (J)


(R.K. UPADHYAYA)
MEMBER (A)