

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 3.4.2003

OA 137/2003

Smt. Kalpana Sharma w/o Late Shri Jagdish Prasad Sharma r/o 13-A,
Indrapuri Colony, Lal Kothi, Tonk Road, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Industry,
Department of Industrial Policy and Promotion, Udyog Bhawan (Salt
Section), Delhi.
2. Salt Commissioner, 2-A, Lavan Bhawan, Jhalana Doongari,
Industrial Area, Jaipur.
3. Asstt. Salt Commissioner (Adm), 2-A, Lavan Bhawan, Jhalana
Doongari, Industrial Area, Jaipur.

... Respondents

CORAM:

HON'BLE MR. H.O. GUPTA, ADMINISTRATIVE MEMBER

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

For the Applicant

... Mr. Saugath Roy

For the Respondents

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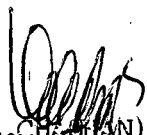
ORDER (ORAL)


The applicant is aggrieved of non-grant of family pension, provident fund, gratuity etc. as accrued on 4.9.2000 after the death of her husband, who died in harness while holding the post of LDC in the pay scale of Rs.3050-4590.

2. The learned counsel for the applicant submits that husband of the applicant, Shri Jagdish Prasad Sharma, was a regular LDC. His services were terminated and based on his case filed before the Central Industrial Tribunal, he was reinstated in service as LDC. He was taken on duty subject to the outcome of the writ petition filed by the respondents before the Hon'ble High Court. The said writ petition filed before the Hon'ble High Court has been dismissed. The learned counsel for the applicant submits that applicant's husband being a regular LDC and having been reinstated, the applicant is entitled for family pension as per the extant rules. He also submits that inspite of the representation made by the applicant, the respondents have not passed any order regarding family pension and family of the deceased employee is in indigent circumstances. He further submits that the applicant has been approaching the department for releasing of family pension and other retiral benefits and has made a representation praying for

releasing of family pension but the family pension has not been released so far.

3. In the circumstances, without going into the merits of the case, this OA is disposed of at the stage of admission with a direction to the applicant to make a fresh representation to respondent No.2 i.e. the Salt Commissioner Jaipur, within 15 days from today alongwith a copy of this order and by Speed Post to avoid delay. In that event, the respondent No.2 shall ensure that the arrears of the family pension and other retiral benefits are paid to the applicant within one month of the receipt of the representation if so entitled and in case any of the payment is not admissible to the applicant as per the rules, he shall inform the applicant promptly within the said period giving reasons thereof.


(M.L. CHAUDHARY)
MEMBER (J)


(H.C. GUPTA)
MEMBER (A)