

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 57/2000

OF 199

Applicant(s) *Smt. Nekjoo Bibi*Respondent(s) *Union of India and ors.*Advocate for Applicant(s) *Mr. D. Bhawal*Advocate for Respondent(s) *C.G.S.C.*

Notes of the Registry	Date	Order of the Tribunal
1. The application is in form and within limit of Rs. 500/- deposited vide Slip No 458545 dated 10.2.2000 B 1/2/2000	14.2.2000 mk	Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman and Mr. G.L. Sanglyine, Administrative Member. Let the case be listed on 18.2.00. An attempt to be made to dispose of the same on that day. Records shall be produced on that day.
	18.2.00 nkm	Member On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. the case is adjourned till 25.2.00.
		Member Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p>8.3.2000 Copy of order has been sent to the D/Secy. for its entry in the file to the Parl. by</p> <p>BS Issued vide D.No. 711 & 712 dated 9.3.2000</p> <p>BS</p>	24.2.00 trd 113/2000	<p>Mr. A. Deb Roy, learned Sr. C.G. S.C. submits that regarding the payment of pension process has already been taken. He further submits that it will take two months time for giving her family pension. Otherwise her pension shall be paid on the expiry of two months. The respondent No.3 is also present.</p> <p>In view of the consent order the application is disposed of. However if the payment of pension is not made within two months liberty is granted to the applicant to approach this Tribunal.</p> <p>BS Member</p> <p>DK Vice-Chairman</p>

Central Administrative Tribunal

12u 11 FEB 2000

গুৱাহাটী বৰ্ষাধাৰ
Guwahati Bench

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 57 OF 2000.

Smti. Nekjon bibi

...Applicant.

-Versus-

Union of India & Others

... Respondents.

I N D E X

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Filed by

Advocate

(ADICAHMED)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 57 OF 2000.

B E T W E E N

Smti. Nekjion Bibi,
Mother of Late Ajit Ali,
Ex-QMT/ Mazdoor,
No: 6402686,
313 Coy ASC, (Sup),
Type F, C/o 99 APO
Resident of Vill-Kohara,
P.O.- Sarupeta,
Dist.- Barpeta, Assam,
PIN- 781318.

... Applicant.

-AND-

1. The Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Defence,
New Delhi.

2. The Director General of
Supplies & TPT Quarter Master

R.T. of
Nekjion Bibi

General's Branch, Army Head
Quarter, DSO,
P.O.- New Delhi-11.
Corporation, Kokla Road,
New Delhi.

3. The Deputy Commandant, 313
Company, Sena Seva Corps,
(Purti) Prakar 'F', 313 Coy
ASC, (Supply) Type 'F',
C/o 99 APO.

*Respondents.

DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST
WHICH THE APPLICATION IS MADE:

This instant application is made against non-payment of Family Pension to the applicant who is the mother of deceased late Ajit Ali who died on 11-07-1991 while he was working as QMT/Mazdoor No. 6402686 in the Office of the 313 Coy, ASC (Supply) Type 'F' C/o 99 APO and also prayer for 18% interest on the family pension from due date till filing of this case.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

R.T. of
Nekyam Bili

3. LIMITATION

The applicant further declares that the application is limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

5

Facts of the case in brief are given below:

4.1 That your humble applicant a citizen of India and permanent Resident of Villi-Kohara, P.O.- Sarupeta, Dist.- Barpeta, Assam, PIN-781318 and as such, she is entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2. That your applicant begs to state that her eldest son late Ajit Ali who was working as QTM/Mazdoor No. 6402686 under the Office of the Deputy Commandant, 313 Company, Sena Seva Corps, (Purti) Prakar 'F' 313 Coy ASC (Supply) Type 'F', C/o 99 APO, died on 11-07-1991. The deceased son of the applicant joined as Civilian Mazdoor in the Defence Department on 01-12-1974. It is pertinent to mention here that the deceased was unmarried.

Annexure-A is the photocopy of death certificate issued by the Army Hospital.

4.3. That your applicant begs to state that at the time of death late Ajit Ali left the following heirs, namely,

A.T.O.
Nekjan
B.W.

1. Smti. Nekjon Bibi = Mother (Applicant)
2. Md. Jalal Ali, - Brother
3. Md. Deepu Ali, - Brother
4. Miss Sonabu Begum - Sister

4.4 That your applicant begs to state that after death of her elder son late Ajit Ali the family members of the applicant are suffering from acute financial hardships. The applicant is a very poor widow lady. Neither she has any other source of income nor cultivable agricultural land to support her family. Due to this reason her deceased son remained unmarried for his whole life to support his poor family members including his widow mother and his brothers and sister.

4.5 That after the death of her eldest son the applicant immediately applied for family pension and other benefits entitled to them before the Respondents and she also prayed for compassionate appointment of her second son Md. Jalal Ali. The Respondents asked the applicants to supply necessary documents for her family pension and also for appointment of her second son, Md. Jalal Ali on compassionate ground. Accordingly, the applicant supplied all necessary documents before the Respondents for early payment of her family pension. It is to be stated, that the applicant has already received the gratuity amount and provident fund from the Respondents. But surprisingly, the

R.T. of
Nekjon Bibi

Respondents have not yet issued the family pension to the applicant since the death of her son, i.e., from 11-07-1991 to till now. The applicant has requested on many occasions to the Respondents for early payment of the family pension to her but the Respondents have turned a deaf ear on the matter.

4.6 That after the death of applicant's son the family members of the applicant has to face tremendous financial hardships and also mental sufferings. Thereafter, the applicant approached the authority concerned for getting the family pension. She filed various representations before the authority. Lastly, she filed representation before the Ministry of Personnel, Public Grievance and Pensions Department, New Delhi. The Department of Pension forwarded her representation before the Defence Department on 13-12-99 for necessary action. But till today the Respondents have not paid the family pension to the applicant.

Annexure-B is the photocopy of the letter dated 13-12-99 issued by the Department of Pension New Delhi.

4.7 That your applicant submits that she is a helpless widow lady and also all of her children are dependent to her. No one of her children are employed or supporting her financially. Now all of her family members are at the verge of starvation. She has already

147 of
Nekym Bibi

taken loans from her relative and her well-wishers but now all of them have deserted her due to non-payment of early loan. The Gratuity amount and other benefit of her deceased son has already been finished in maintaining her family members. As such, she has been compelled to approach this Hon'ble Tribunal for seeking justice in this matter and also for early and immediate payment of family pension with 18% interest from the due date.

4.8 That your applicant submits that she is running from pillar to post for getting family pension but till today the respondents have not taken any sympathetic view in this matter.

4.9 That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to save the entire family members of the applicant from starvation.

4.10 That this application is filed bona fide and for the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the action of the Respondents for not paying the family pension to the applicant is illegal, arbitrary, mala fide and violative of the principles of natural justice.

V.A.T of
Nekyan Bokh

5.2 For that, the Respondents have deprived the applicant her legitimate claim of family pension and as such the act of the Respondents is not maintainable in the eye of law.

5.3 For that, the Respondent have violated the fundamental rights of the applicant and as such the action of the Respondents is illegal, mala fide with a motive behind.

5.4 For that, the applicant's case is a genuine and also need a sympathetic consideration of the matter by the Respondents and hence the Respondents cannot deny it.

5.5 For the, in any view of the matter the action of the respondents are not sustainable and hence the same is liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

R.I.O.T.
Nekjan Bihin

That the applicant further declares that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this petition and may call for records of the case, issue rule calling upon the Respondents to show cause as to why the relief should not be given to the applicant and after hearing the parties on the cause or causes that may be shown and on perusal of records your Lordships may be pleased to grant the following relief to the applicant.

8.1 To direct the Respondents to issue family pension to the applicant immediately without any further delay.

8.2 To direct the Respondents to pay 18% interest on the family pension from due date till today to the applicant.

8.3 Cost of the application.

Q.T. of
Nekan Bihni

8.4 To pass any other relief or reliefs to which the applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application the applicant most respectfully prays for an interim order directing the Respondents to pay Provisional pension to the applicant till her regular family pension is issued by the Respondents.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 06458545

Date Of Issue 16.2.2000

Issued from Guwahati

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

R. of
Nekyamshi

VERIFICATION

I, Smti. Nekjon Bibi, Mother of Late Ajit Ali, Ex-QMT/ Mazdoor, No. 6402686, 313 Coy ASC, (Sup), Type F, C/o 99 APO Resident of Villi-Kohara, P.O. - Sarupeta, Dist. - Barpeta, Assam do hereby solemnly verify that the statements made in paragraphs 4.1, 4.3 to 4.5, 4.7 are true to my knowledge those made in paragraphs

4.2, 4.6 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And, I sign this verification today on this the 10th day of February 2000.


Rt. of Nekjon Bibi
Declarant

-19- Annexure A

NON-ENTITLED 0486
DISCHARGE SLIP

दायिता और दख्तर रजिस्टर की कम सं
Serial No. A & D Book

स० स० वि० स० फा०-११
A. F. M. S. F. -II.

101 (MED)

Ag-3543

NE 1079

2. रैंक/रेट Rank/Rate	3. सेवा नं० Service No.	4. यूनिट/जहाज Unit/Ship	5. सेवा Service यलसेना/नीलेना/वायुसेना ARMY/NAVY/AIR FORCE
A. ALI	CIV JACK 6402686	313 CO 4 TSC Sop	civ

6. दायिते की तारीख
Date of admission

09.7.91
2030

7. रुखसंत की तारीख
Date of discharge

10.7.91
1820

8. अंतराष्ट्रीय कृट सं०
International Code No.

578

9. निदान
Diagnosis

HAEMATEMESIS
(INV)

? EXTRAVASATION
CAUSE TO INJ KINWIV

पिछारित की जाती है की उपर्युक्त सैनिक को D.T.H.....
The above named is recommended

यान 15.1.1991..... ADVISED for the treatment in Med College Guwahati.

दस्तावेज/दोस्ती कक्ष/स्टेशन रोगी बावास
Hospital/Visiting Room/ S. S. Q.

Under care of Dr. G. S. M. O. चिकित्सा विधिवाची/वरिष्ठ चिकित्सा अधिकारी के हस्ताक्षर

Cathay 10/07/1991 तारीख/Date.....

प्राप्ति के 15 मार्च 1991 से दस्तावेज तक 15.1.1991 तक उपलब्ध है।

प्राप्ति के 15 मार्च 1991 से दस्तावेज तक 15.1.1991 तक उपलब्ध है।

प्राप्ति के 15 मार्च 1991 से दस्तावेज तक 15.1.1991 तक उपलब्ध है।

प्राप्ति के 15 मार्च 1991 से दस्तावेज तक 15.1.1991 तक उपलब्ध है।

15.1.1991
S. S. Q.
Guwahati

Ministry of Personnel, Public Grievances & Pensions
DEPARTMENT OF PENSION & PENSIONERS' WELFARE

3rd Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi 110003.

NO. P&PW/E/C112003/ 1999

13/12/99

To

Joint Secretary (WEL)
Dept. of Defence
South Block
New Delhi 110011

Dear Sir/Madam,

We are sending the representation/
grievance No. Nil Dated 28/10/99 received by this
department as per details given below :-

Name & Address of the Representationist Smt. NEKNON BIBI M/O LATE AJIT ALI
VILL. - KAHARA, POST. - SARUPETA,
DIST. - BARPETA (ASSAM) PIN-781318.

Subject of Representation Grant of Family Pension

Necessary action as considered appropriate
may be taken to redress the grievance with
reference to relevant rules and a suitable
reply may be sent to the complainant.

Thanking You,

Yours faithfully,

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

Copy to Smt. NEKNON BIBI M/O LATE AJIT ALI

For Information

ASHA MAKHIJANI
Under Secretary

Attested
J.S.
Amita