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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

Original Application No. 233 of 2006

Jabalpur, this the 2nd day of May, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Ms. Sadhna Srivastava, Judicial Member

Dilip Vishwakarma, aged about 40 years,
S/o. Late Rameshwar Prasad Vishwakarma,
Occupation – Unemployed (Mentally
Disabled person), through next friend/Guardian
Ku. Sangeeta Vishwakarma, D/o. Late Rameshwar
Prasad Vishwakarma, R/o. 655, Mother Terrisa
Nagar, Madhotal, Jabalpur.

Applicant

(By Advocate – Shri M.K. Sanghi)

V e r s u s

1. Union of India, through the Secretary,
Ministry of Defence, New Delhi.
2. Senior General Manager,
Gun Carriage Factory,
Jabalpur.

Respondents

O R D E R (Oral)

By Ms. Sadhna Srivastava, Judicial Member -

By means of this OA the applicant has sought the following relief :

“(I) The respondents be kindly directed to release the family pension to the applicant being mentally handicapped person with all benefits,

(II) Any other relief or directions which this Hon'ble Court deems fit and proper in view of the circumstances of the case may kindly be granted to the petitioner.”

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2. The facts as alleged in the OA are that the applicant is a mentally disabled person having 65% disability. His father Rameshwar Prasad while working as Carpenter in Gun Carriage Factory, Jabalpur died in harness on 20.10.1980. Earlier family pension was given to the applicant's mother who also expired on 12.2.2004 leaving behind the applicant and her unmarried daughter Ku. Sangeeta Vishwakarma. The applicant being permanent mentally disabled person, his sister Ku. Sangeeta Vishwakarma has filed a representation dated 11.6.2004 (Annexure A-5) before the General Manager, GCF who is respondent No. 2. Thereafter, vide letter dated 29th July, 2004 (Annexure A-6) Ku. Sangeeta Vishwakarma was asked to furnish mental disorder certificate of his brother (applicant). It is further alleged in the OA that in pursuance of the letter dated 29.7.2004 Ku. Sangeeta Vishwakarma has submitted all the papers before the respondents but nothing has been done so far, hence this OA.

3. The counsel for the applicant Mr. M.K. Sanghi submits that the OA can be disposed of at the admission stage itself by giving direction to the respondent No. 2 to consider representation dated 11.6.2004 and pass a speaking and reasoned order within a stipulated time. He further prays that this OA should be treated as representation and the same should also be considered by the respondents.

4. In view of the submission made by the counsel for the applicant, we are of the considered view that the justice would be served if we issue a direction to the respondent No. 2 to decide the matter treating this OA as his representation by speaking and reasoned order within a period of three months from the date of receipt of copy of this order. However, it is needless to say that, we have not expressed any opinion on the merits of the case. The counsel for the applicant is also directed

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to serve a copy of the OA along with the copy of the order on respondent No. 2 within a period of one week from the date of receipt of copy of the order.

5. The OA stands disposed of at the admission stage itself. No order as to costs.

Sadhna Srivastava
(Ms. Sadhna Srivastava)

Judicial Member

G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/न्या..... जबलपुर, दि.....

परिचिनिये ८ दि. रिक्तः

- (1) सचिव, उच्च न्यायालय, उत्तर प्रदेश, जबलपुर
- (2) आपेक्षा न्यायालय, उत्तर प्रदेश, वडे काउंसल
- (3) प्रत्यार्थी न्यायालय, उत्तर प्रदेश, के बहुसल
- (4) अधिकारी, उत्तर प्रदेश, न्यायालय

W.K. Singh
ANJAN
W.K. Singh
W.K. Singh

सूचना एवं अन्वयनक याचार्यालय द्वारा
15 अप्रैल 2006

STST/06