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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JA BALPUR

Original Application No.199 of 2005

Jabalpur this the 23rd day of March, 2006.

**Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Mr. G.Shanthappa, Judicial Member**

Smt.Sonabai, Wd/o Late Ram Sunder Raidas,
R/o Sanjay Nagar Colony, Near Sarita Kirana Stores,
Bara Pathar, Ranjhi, Jabalpur M.P.

Applicant

(By Advocate – Shri V.K.Singh)

V E R S U S

1. Union of India through Secretary,
Ministry of Defence, New Delhi.
2. The General Manager, Ordnance Factory,
Khamaria, Jabalpur.
3. The General Manager, Vehicle Factory
Jabalpur, M.P.

Respondents

(By Advocate – Shri S.A.Dharmadhikari)

O R D E R(Oral)

By G.Shanthappa, JM.-

The above Original Application is filed under Section 19 of the Administrative Tribunals Act,1985, seeking the following main relief :-

- (i) ...to set aside the order of removal from service of deceased Ram Sundar and command the respondents to start the family pension to the applicant from the death of deceased with arrears along with interest".
2. The brief facts of the case, according to the applicant, are that the husband of the applicant was in service under the

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respondents. He died on 7.6.1988. He was removed from service w.e.f. 3.10.1984 on account of unauthorized absence from duty. The applicant came to know the order of removal from service only when she received a copy of the counter reply in OA 800/2003. The said O.A. was dismissed on 13.10.2004 as withdrawn and liberty was granted to file fresh O.A. Subsequently, on 28.10.2004, she submitted her representation as per Annexure-A-4, with a statement, she came to know that bogus lady has been sanctioned the ~~retirement~~ dues and family pension by forging her name in the service book of late Ram Sunder. She further requested, let her know all the facts in respect of her deceased husband late Ram Sunder. She is asking relief on the grounds, that her husband served for more than 20 years, and he was continued his treatment in the factory hospital, till his death in year 1984. Since she was not served with a copy of the order of removal from service of her husband, hence she prayed for quashing the order without producing the same, her request is also there to call for the original records.

3. Per contra, the respondents have filed counter reply. They have contended that the husband of the applicant did not challenge the order of removal from service. The applicant also slept over the matter from 7.6.1988 till 2003. The applicant did not submit any representation for terminal benefits. She had earlier filed OA 800/2003, but the said OA was dismissed as withdrawn vide order dated 13.10.2004, with a liberty to the applicant to file a fresh OA. Accordingly, the applicant has filed the present OA seeking the relief to set aside the order of removal from service and also to direct the respondents to give her family pension from the date of death of her husband, with arrears along with interest.

4. The applicant has not filed a copy of the impugned order of removal from service, although she has sought a direction to set aside the order of removal from service. Without a copy of the impugned order, that relief cannot be considered. The applicant



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submitted her representation on 28.10.2004 as per Annexure-A-4, alleging some bogus lady has forged the service book of her husband and she has been sanctioned the retrial dues and family pension. She had requested let her know all the facts in respect of the service particulars of her husband, but she has not requested for grant of retrial dues or terminal benefits or family pension, without the demand of the applicant, the relief cannot be sought. The applicant slept over the matter from 1988 i.e. from the date of death of her husband, till 2004 when she had submitted her representation.

5. The payment of retrial dues admissible to him was paid on 22.8.1986 (i.e.Rs.5,777/-), insurance was not paid, since he was not a member of scheme, no leave was credited upon him for encashment, other benefits like DCRG, pension etc., cannot be paid to him being removed from service on account of penalty imposed. Applicant's name does not appear in service book. The application is belated, at this stage, the present applicant cannot challenge the order of disciplinary authority before this Tribunal, the remedy is elsewhere.

6. There is no much clarification in the rejoinder.

7. The stand taken by the respondents is that unless the applicant challenges the order of removal from service, and unless that order is quashed, the applicant will not get any kind of terminal benefits or family pension. The husband of the applicant did not challenge the order of removal from service when he was alive. Such being the fact, the applicant cannot ask for family pension at this stage. The cause of action arose on 3.10.1984, the date on which he was removed from service. For family pension and other benefits, the cause of action was on 7.6.1988 on which date he died. Such being the fact, stand taken by the respondents is perfect, the contention of the applicant cannot be considered. The applicant has also not filed MA for condonation of delay to approach this Tribunal. Unless the order of removal from service is



set aside, we are of the opinion that the applicant will not get family pension or terminal benefits. Thus, the applicant has not made out any case for grant of relief. The OA is liable to be dismissed.

6. In the result, the OA is dismissed, however, without any order as to costs.

(G. Shanthappa)
Judicial Member

(Dr.G.C.Srivastava)
Vice Chairman

rkv

पृष्ठांकन सं. ओ/व्या..... जबलपुर, दि.....
 प्रतिलिपि द्वारा दिला:-

- (1) समिति, जबलपुर अध्यात्म विद्यालय, जबलपुर
- (2) आष्ट्रेलिया कॉलेज, लखनऊ, उत्तर प्रदेश
- (3) फ्रान्सीसी स्कूल, लखनऊ, उत्तर प्रदेश
- (4) ब्रिटिश स्कूल, लखनऊ, उत्तर प्रदेश

सूचना एवं अधिकारी का दाखिला दिला

राम

V.K. Singh 22/2/38
S.A. Dharmashikhar
22/2/38

Fossil
30/3/06