

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
Original Application No 1096 of 2004

Jabalpur, this the 18th day of May, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman

Hon'ble Mr. Madan Mohan, Judicial Member

1. Smt. Surendra Sharma
Aged 53 years
W/o Late Shri Satyapal Sharma
R/o 836/2, Badi Omti,
Jabalpur (Madhya Pradesh)

2. Rishi Sharma
Aged about 25 years
S/o Late Shri Satyapal Sharma
R/o 836/2 Badi Omti,
Jabalpur (Madhya Pradesh) Applicant

(By Advocate – None)

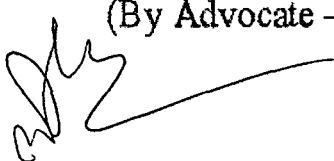
VERUS

1. Union of India,
Through Secretary,
Ministry of Defence Production
& Supplies, South Block,
New Delhi.

2. Chairman
Ordnance Factory Board,
10-A Shahid Khudiram Bose Road,
Kolkata (West Bengal)

3. Senior General Manager
Vehicle Factory Jabalpur,
Jabalpur (Madhya Pradesh) Respondents

(By Advocate – Shri A.P. Khare)



O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing the aforesaid OAs the applicants have sought the following main relief :-

“a.to direct the respondents to release to the applicants the arrears of salary of the deceased Government Servant arising out of the full salary payable to Late Shri Satyapal Sharma from 14.3.1988 to 1996 (the date from when the respondents started paying back wages under Section 17 B of the Industrial Disputes Act, 1947), along with the penal interest @ of 18% per annum calculated till its realization.

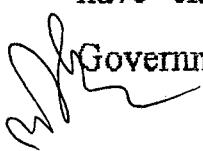
B.to direct the respondents to release the arrears of salary and allowances to the applicants, which were payable to the deceased Government Servant arising out of the difference between the full salary and allowances and the back wages received under Section 17 B @ of Rs. 2207/- per month for the period from 1996 (the date when the respondents started complying with the provisions of Section 17 B of the Industrial Disputes Act, 1947) till 24.6.2001 (death of the deceased Government Servant), along with the penal interest @ of 18% per annum till its realization.

c.to direct the respondents to release the family pension along with admissible Dearness relief to the applicants from 24.6.2001 till date along with the penal interest @ of 18% per annum till its realisation.

d.to direct the respondents to release the amount standing to the credit of Late Shri Satyapal Sharma in his GPF Account and also the amount admissible and to payable under the CGIS and the amount payable of leave encashment etc. along with penal interest @ of 18% per annum till its realization.

e.to direct the respondents No.3 to consider the request of the applicant No.2 for grant of compassionate Appointment in lieu of the death of his Father Late Shri Satyapal Sharma.

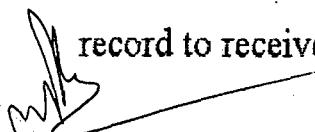
2. The brief facts of the case are that the applicants Nos.1 and 2 have claimed to be wife and son respectively of the deceased Government servant, late Shri Satyapal Sharma. The deceased



Government servant was working as Turner 'B' with the respondents in Vehicle Factory, Jabalpur. A departmental enquiry was conducted against him and ^{as a 2} the result of disciplinary proceedings, a penalty of 'Dismissal from service' was imposed on the deceased Government servant w.e.f. 14.3.1988. The said order of dismissal from service was set aside by the CGIT, Jabalpur vide its order dated 3.4.1992 and it ² moderated the said penalty to withholding of two increments without payment of back wages. The deceased Government servant was reinstated in service and thereafter he expired on 24.6.2001. The department filed an appeal against the order of CGIT, Jabalpur in the Hon'ble High Court and the same was dismissed by the Hon'ble High Court on 26.9.2003. The respondents have not paid the retiral dues of the deceased Government servant to his family. Hence, this Original Application.

3. *None is present on behalf of the applicants. We proceed to dispose of this OA by invoking the provisions of Rule 15 of Central Administrative Tribunal (Procedures) Rules, 1987. Heard the learned counsel for the respondents and perused the records carefully.

4. During the course of the arguments the learned counsel for the respondents has stated that the deceased Government servant has not made any nomination in the service record to receive his retiral dues. The present applicants have also not obtained a succession certificate from legal authority or Civil Court [&] in such situation the respondents are unable to pay the retiral dues of the deceased Government servant to them. The reliefs claimed by the applicants can be considered by them only if the succession certificate is obtained by the applicants from a competent court. Since, the deceased Government servant has not made any nomination about the applicants Nos. 1 and 2 in the service record to receive his retiral dues.



5. We have given careful consideration to the contentions made by the respondents and on careful perusal of the records, we find that the deceased Government servant has not made any nomination with regard to his wife and son for receiving his retiral dues. Therefore, the respondents could not be given the retiral dues to them, as they cannot obtain the succession certificate from the competent court of law. The respondents can consider and grant of relief claimed by the applicants only after obtaining the succession certificate. The OA is disposed of by directing the applicants to obtain the succession certificate from the competent court, so that the reliefs claimed by them with regards to retiral dues and compassionate appointment can be considered by the respondents.

6. With the above directions, the OA is disposed of. No costs.

(Madan Mohan)
Judicial Member

mp Singh
(M.P. Singh)
Vice Chairman

पृष्ठांकन सं. ओ/न्या.....	जयपुर, दि.
पतिलिपि अच्ये दित्त :-	
(1) सचिव, उच्च व्यायामाला, राजस्थान, जयपुर	
(2) आवेदक श्री/श्रीमती/मुख्यमंत्री	
(3) प्रत्यर्थी श्री/श्रीमती/मुख्यमंत्री	
(4) चंदपाल, दोप्रता, जयपुर	
सचिवा एवं अध्यक्षान्मान	

S. Nagel Ad 230
A.P. Kline Ad 232
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२०८०) उप राजिकाराम

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