

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.847/04

Jabalpur, this the 13th day of October, 2004.

CORAM

Hon'ble Mr.Madan Mohan, Judicial Member

1. Ku.Priya Yadav
Daughter of late Yogendra Yadav
Minor through Guardian declared and
appointed under the Guardian and wards
Act 1890 by the Court.
2. Ku.Rajkumari Yadav
D/o late Pannalal Yadav
R/o 2778, Cherital ward
Behind Soap Factory
Jabalpur.

Applicants.

(By advocate Mr.Ajay Singh)

Versus

1. Union of India through
Secretary, Ministry of
Finance, New Delhi.
2. Principal Chief Controller of
Accounts, Central Board of
Direct Taxes, 9th Floor,
Lok Nayak Bhavan, Khan Market
New Delhi.
3. Accounts Officer
O/o Principal Chief Controller of
Accounts, Central Board of Direct
Taxes, 9th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi.
4. Commissioner of Income Tax
Jabalpur.
5. Assistant Controller of Accounts
Regional Accounts Office
Bhopal.
6. Smt. Kiran Yadav
W/o Yogendra Yadav
R/o Tikaria, Tehsil Niwas
Dist. Mandla.

Respondents.

(By advocate None)

ORDER(oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following
reliefs:



- (i) To direct the respondents to make payment of all retiral benefits of late Yogendra Yadav to the applicant.
- (ii) To recall the order dated 23.8.04 passed in OA No.40/04 and declare that respondent No.6 is not entitled for any benefit.

2. The brief facts of the OA are that the applicant is the daughter of late Yogendra Yadav. Her father married twice. His first wife was the mother of present applicant, who died in the year 1993. Thereafter, Yogendra Yadav married Kiran Yadav, respondent No.6. Due to harassment of Kiran Yadav, Yogendra Yadav, the applicant's ^{father} ~~father~~, committed suicide on 10.9.99. Smt. Kiran Yadav filed OA No.40/04 which was decided by order dated 23.8.04. In that OA, the applicant was not a party. Applicant is the legal heir of deceased Yadav. A criminal case is pending against Smt. Kiran Yadav under Sections ^{294 B} 506-B, 341, 306/34 of IPC. Applicant is entitled to get retiral benefits of her father. Learned counsel of the applicant argued that vide order dated 25.4.2000 (Annexure A5), the IVth Additional District Judge, Jabalpur directed the applicant to obtain a guardian certificate as she was a minor. The sister of the applicant's father filed a civil suit and the concerned civil court vide order dated 29.1.02 appointed Ku. Rajkumari Yadav as guardian of the applicant.

3. Learned counsel of the applicant submits that the applicant would be satisfied if a direction is given to the respondents to consider a fresh representation to be submitted by the applicant for all retiral dues of her late father.

4. In view of the above submission of the learned counsel of the applicants, this OA is disposed of directing the applicant No.1 to submit a fresh representation within one month from today mentioning all facts along with copies of relevant documents and if she complies with this, then the respondents are directed to consider the case of the applicant within three months from the date of receipt of such fresh representation, in accordance with rules. No costs.



(Madan Mohan)
Judicial Member

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

पत्रिलिपि अद्यो दिहल :-

- (1) सचिव, उच्च न्यायालय दूर एसेसिएशन, जबलपुर
- (2) आवेक श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्येकी श्री/श्रीमती/शु.....के काउंसल
- (4) मांयपाल, को.प.ज, जबलपुर उच्चपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

AK Mishra

~~15-10-04~~