

6

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.133 of 2002

Jabalpur, this the 31st day of January, 2003.

Hon'ble Mr.R.K.Upadhyaya, Member (Admnv.)

Binna Bai W/o late Narmada Prasad,
aged about 40 years, R/o Ram Harak Ka
Bagicha, Kunchbandhia Mohalia,
Chamapur, Jabalpur.

-APPLICANT

(By Advocate- None)

Versus

1. The Union of India through
the Secretary, Ministry of
Defence, Indian Ordnance Factories,
New Delhi.
2. The General Manager,
Ordnance Factory, Khamaria
Jabalpur, MP-482005.
3. Shri Bablu Prasad
S/o late Narmada Prasad aged
about 25 years.
4. Vinod Kumar S/o late Narmada Prasad,
aged about 23 years.
5. Surendra Kumar S/o late Narmada
Prasad, aged about 21 years.

-RESPONDENTS

Respondents No.3, 4 and 5,
R/o New Type-I, Qtr.No.13/4,
Ordnance Factory Estate Khamria,
Jabalpur.

(By Advocate- Mr.S.A.Dharmadhikari for official
respondents & Mr.B.C.Dubey for private-respondents)

O R D E R (ORAL)

This application has been filed seeking a
direction to the respondents "not to disburse the fund
of late Narmada Prasad, Ex.O.F.K.Ticket No.F-2/206/56253,
till the final decision of M.Cr.C.No.2271/99 pending
in the High Court of Judicature at Jabalpur".

2. No body is present even at the second call
on behalf of the applicant. Therefore, this case is
being disposed of under Rule 15(1) of Central
Administrative Tribunal (Procedure) Rules, 1987 with
the assistance of learned counsel of respondents.

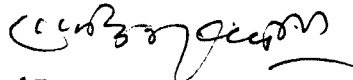
3. The applicant claims herself to be the widow
Contd.....2/-

Amr

of Narmada Prasad who was an employee of Ordnance Factory Khamaria. She claims that she married to Narmada Prasad after the death of his first wife late Vidya Bai. It is further stated by the applicant that she had claimed maintenance during the life time of the deceased Government servant. The order of maintenance was subject matter of challenge before the Courts and is still pending for consideration before the Hon'ble High Court of Madhya Pradesh in Misc.Criminal Case No.2271/1999 for final hearing. During the pendency of the said case before the High Court, the Government servant Shri Narmada Prasad died. Therefore, the applicant has approached the respondent no.2 for payment of terminal benefits of the deceased Government servant as successor and legal heir of the deceased. The claim of the applicant has been rejected by the respondent no.2 as per order dated 28.1.2001 (Annexure-A-3) in which the applicant has been asked to obtain the stay order from the competent Court so that the named legal heirs of the deceased Government servant are not paid the terminal benefits due to the delinquent Government servant.

4. It is stated by the learned counsel of the respondents that instead of obtaining such an order from the proper forum, the applicant has filed this application before this Tribunal.

5. The decision regarding as to who is legal heir of the deceased Government servant is not within the jurisdiction of this Tribunal. Therefore, the present application is dismissed for want of jurisdiction and the interim order dated 11.3.2002 stands vacated. No costs.


 (R.K. Upadhyaya)
 Member (Admnv.)

पृष्ठान्कन सं ७९/७७.....जबलपुर, दि.....

- (1) श्री राज, जबलपुर
(2) श्री के काउंसल
(3) श्री के काउंसल
(4) श्री के काउंसल
सूचना एवं आवश्यक कार्यवाही हेतु

S. Bhattacharya, M.A.
SA Khanna &
B.C. Saithey - M.A.

असिस्टेंट
5/2/03

788ueel
on 5.2.03
28