

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

(APPLICATION NO.: 68/01)

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

20-3-07

Mr. Tanveer Ahmed counsel for applicants.

Heard. For the reasons
dictated separately, the case is
dismissed in limine.

(Signature)
(S. P. Shukla)
Administrative Member

(Signature)
(Kuldip Singh)
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 20th day of March, 2007

ORIGINAL APPLICATION No.68/2007

CORAM:

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR. J.P.SHUKLA, ADMINISTRATIVE MEMBER

Smt. Kesar Devi Sharma,
w/o late Shri Banshi Dhar Sharma,
r/o Plot No.P-5, c/o Shri Raju Lal Patna,
Bapu Colony, Adarsh Nagar,
Jaipur.

.. Applicant

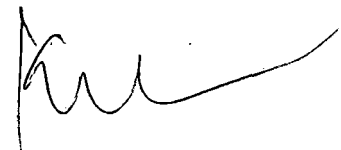
(By Advocate: Shri Tanveer Ahmed)

Versus

1. The Secretary to the Government of India,
Ministry of Human Resources Department,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangthan,
New Delhi.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangthan,
Opp. RBI Colony,
Bajaj Nagar,
Jaipur.
4. The Principal,
Kendriya vidyalaya,
Khetri Nagar,
Khetri,
Distt. Jhunjhunu.

.. Respondents

(By Advocate:)



O R D E R (ORAL)

The applicant in this OA has prayed for the following reliefs:-

“(a) call for the respondents and produce the complete service record of her husband late Shri Banshi Dhar Sharma an employee of the respondents who died in service on 22.02.1989 for perusal of the Hon’ble Tribunal.

(b) to grant to the applicant:-

- (a) family pension w.e.f. 23.12.1989.
- (b) Death cum Retirement Gratuity
- (c) General Provident Fund
- (d) C.G.E.I.S.
- (e) Leave Encashment if admissible.

(c) amount of salary admissible for the period of service rendered by her husband in month of February, 1989 for 22 days.

(d) To direct the respondents to pay to the applicant interest @ the rate of 12% per annum on family pension and other retiral benefits claimed in the Original Application.

(e) Any other relief as the Hon’ble Tribunal may kindly deem it just and proper under the circumstances.”

2. Facts of the case are that husband of the applicant was employed with the respondents w.e.f. 5.9.1967, who expired on 22.2.1989. The applicant claims that she being legally wedded wife of late Shri Banshi Dhar Sharma was not paid family pension, D.C.R.G., G.P.F., C.G.E.I.S. etc. so she had also issued a legal notice to which the respondents have replied vide Ann.All that since late Shri Banshi Dhar Sharma was C.P.F. optee, therefore, the question of family pension does not arise. It was also informed that the retiral dues were already paid to her vide cheques issued in the month of August and September, 1989.

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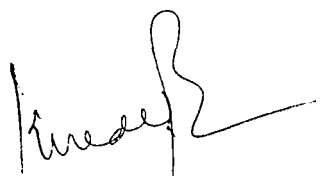
The learned counsel appearing for the applicant still prayed that the applicant is entitled to family pension.

3. We have considered the case of the applicant. Since the applicant's husband was optee of Contributory Pension Fund and, therefore, he was not entitled to pension. For the same reason, the applicant was also not entitled for family pension. All other dues were paid to the applicant after death of her husband. So filing of the OA after 18 years for grant of pension is too late. It is not the duty of the respondents to allow option of pension to the family of the deceased, it is only for the employee to opt for it at the appropriate time. Since the deceased has not opted for pension, we find that no relief can be granted to the applicant. The OA is, therefore, dismissed in limine.


(J.P. SHUKLA)

Administrative Member

R/


(KULDIP SINGH)

Vice Chairman