

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 14th day of October, 2010

ORIGINAL APPLICATION NO. 457/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Abhishek Sharad son of Shri K.C. Sharad, resident of 107, Brij Vatika,
Goner Road, Jagatpura, Jaipur through his legal Guardian, Shri N.N.
Sharad.

.....Applicant

(By Advocate: Miss Kavita Bhati)

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Mines, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, JLN Road, Kolkatta (W.B.).
3. The Deputy Director General, Geological Survey of India, Western Region, 15-16, Jhalana Doongari, Jaipur.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The grievance of the applicant in this case is regarding grant of family pension. In Para No. 5 (c) of the OA, the applicant has stated that the case of the applicant is covered under Government decision O.M. No. 1/17/86-P&PW dated 29.08.1986 and the case of the applicant has not been considered in the light of the aforesaid instructions.

2. I am of the view that the instructions issued by the Government from time to time and the Government Decision O.M. No. 1/17/86-P&PW dated 29.08.1986, though not annexed by the applicant, family pension/retirement or death gratuity in respect of missing person has to be granted after a period of one year from the date of lodging of the FIR. As per the submission made by the applicant, FIR in the instant case was lodged on 02.06.2003. Thus as per the contention raised by

the learned counsel for the applicant, family was entitled to family pension with effect from 02.06.2004 in terms of the aforesaid instructions. Admittedly in the instant case, inquiry proceedings were initiated after the expiry of period of one year and even the final order of removal from service was also passed on 08.07.2005 (Annexure A/1) after the expiry of the aforesaid period of one year. Thus according to the learned counsel for the applicant, removal order is of no consequence.

3. From the material placed on record, it is evident that applicant has not made any representation qua this aspect. Thus I am of the view that the matter can be disposed of at admission stage with the direction to the applicant to make appropriate representation in terms of the contention, as noticed above, within a period of 15 days from today and in case such representation is made within the period of 15 days from today, the respondents shall consider the same in accordance with law and pass appropriate order within a period of three months from the date of receipt of a copy of the representation. It is made clear that in case the applicant is still aggrieved by the order to be passed by the appropriate authority, it will be open for him to file substantive OA.

4. With these observations, the OA is disposed of at admission stage itself.


(M.L. CHAUHAN)
MEMBER (J)

AHQ