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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

18.5.2011

OA 195/2011

Mr.S.K.Jain, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of at admission stage, by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

K.S.Rathore

(Justice K.S.Rathore)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 18th day of May, 2011

ORIGINAL APPLICATION No.195/2011

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Jitendra,
Adopted son & nominee of
Late Shri Manohar Singh Meena,
R/o Bandikui, Distt. Dausa (Raj.).

... Applicant

(By Advocate : Shri S.K.Jain)

Versus

1. Union of India through
Secretary to the Govt. of India,
Ministry of Science & Technology,
New Delhi.
2. Surveyor General of India,
Survey of India,
PB No.37, Dehradun,
Utrakhand.
3. Additional Surveyor General,
Western Zone,
Plot No.19/20, Sector-10,
Vidyadhar Nagar, Jaipur.

... Respondents

(By Advocate : - - - -)

ORDER (ORAL)

The short controversy involved in this OA, which has been preferred by the adopted son [Jitendra Kumar Meena] after the death of his adoptive father [Manohar Singh Meena], is that his adoptive father got married with one Smt.Sunita Meena on 19.2.2000 but she separated out only after a period of six months. Thereafter, father of the applicant preferred a



divorce petition in Ambala court. After separation with Smt.Sunita Meena and during the lifetime of the said Shri Manohar Singh Meena, he represented before the respondents vide application dated 4.9.2002 (Ann.A/3) to cancel/change the nomination in the service record which he made in favour of his wife [Smt.Sunita Meena], as she was not living with him, and since he had adopted the applicant as son, made further request to change the nomination in favour of his adopted son i.e. the applicant.

2. However, during the pendency of the said request, said Shri Manohar Singh Meena expired on 13.1.2011. His death certificate dated 20.1.2011 has been placed on record as Ann.A/2.

3. After the death of the adoptive father, the applicant represented before the respondents vide representation dated 1.2.2011 (Ann.A/4), followed by another representation dated 11.5.2011 (Ann.A/5), praying for grant of the retiral benefits related to his adoptive father, but the same has not been considered favorably as the nomination in favour of Smt.Sunita Meena has not yet been changed.

4. We have thoroughly considered the material available on record, the request made by the deceased for change of the nomination as well as the representation made by the applicant. It is not disputed that the representation made by the applicant is still pending consideration, the recent representation being made only on 11.5.2011. Be that as it may, looking to the facts and circumstances of this case, we deem it proper to direct the respondents to consider the request made by the deceased Shri Manohar Singh Meena vide Ann.A/3 dated 4.9.2002 as also the representation made by the adopted son i.e. the applicant [Jitendra Kumar Meena] and pass an appropriate order regarding change of nomination in accordance with the provisions of law expeditiously but in any way not beyond the period of two months from the date of receipt of a copy of this order.



5. It is also made clear that prior to taking decision, strictly in accordance with law, on the request made by the deceased as well as the representation made by the applicant, no retiral benefits may be paid to the earlier nominee of the deceased i.e. Smt.Sunita Meena, if the same has not been paid so far.

6. With these observations, the OA stands disposed of at admission stage.

Anil Kumar
(ANIL KUMAR)

MEMBER (A)

vk

12. S Rathore
(JUSTICE K.S.RATHORE)

MEMBER (J)