

Ann. P- 1

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00815/2014 Decided on: 16.09.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

1. Smt. Saroj @ Salochna, aged about 39 years W/o Late Shri Bhag Chand, resident of Village Jayanti Majri, Post Office Mullanpur, Tehsil Kharar District Mohali.
2. Happy Chand, aged 18 ½ years S/o Late Shri Bhag Chand, resident of Village Jayanti Majri, Post Office Mullanpur, Tehsil Kharar, District Mohali.

.....Applicants
Versus

1. Union Territory Chandigarh Administration through its Secretary, Engineering Department, UT Civil Secretariat, Sector 9-D Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, Civil Secretariat, Sector 9, Chandigarh.
3. Commissioner, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh.
4. Chief Engineer, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh.

.....Respondents

Present: Mr. Barjesh Mittal, counsel for the applicants

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. By way of the present O.A., the applicants have sought issuance of a direction to the respondents to extend her the benefit of family pension and other retiral dues along with arrears, with a

further prayer to consider her case for compassionate appointment in terms of judgment passed in the case of Babli Devi Vs. U.O.I. & Others (Annexure A-2) and also in the case of Urmil Kanta Vs. U.O.I. & Others (Annexure A-4).

2. In support of the claim, learned counsel for the applicants submits that an identical issued has already been decided by this Tribunal in the case of **Babli Devi & Others Vs. Union of India & Others**(O.A. No. 793/PB/2012) vide orders dated 13.08.2013 which were passed following the decision of Hon'ble High Court in the case of **Urmil Kanta Vs. U.O.I. & Others** (O.A. NO. 992 & 993/CH/2005). He further submits that the orders passed in the case of Babli Devi(supra) have also been affirmed by the Hon'ble High Court as well as by the Hon'ble Supreme Court.
3. Learned counsel for the applicants submits that the applicant had made a representation dated 08.06.2013 to the respondents to extend her the benefit of orders passed by this Tribunal in the case of Babli Devi (supra), which has not yet been decided by them. He, however, admitted that he has not approached the respondents after affirmation of the orders of the Tribunal by the Hon'ble High Court and Hon'ble Supreme Court.
4. Considering that the orders of this Tribunal in the case of Babli Devi (supra) have attained finality by the dismissal of SLP filed by the respondents, we deem it appropriate that the claim of the

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applicant, at first, be considered by the respondents in the light of the orders aforementioned.

5. For the order we propose to pass, there is no need to issue any notice to the respondents and call for their reply as the respondents have not yet taken a view on the representation of the applicant which they are bound to do as per the Section 20 of the Administrative Tribunals Act, 1985 and, therefore, non-issuance of notice would not cause any prejudice to them.
6. Accordingly, we dispose of this O.A., with a direction to the competent Authority amongst the respondents to consider the claim of the applicant and take a view on her representation in the light of orders passed by this Tribunal in the case of Babli Devi (supra), as affirmed by the Hon'ble High Court and also by the Hon'ble Supreme Court. The above exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. The applicant is directed to supply the respondents the copies of the orders passed by the Hon'ble High Court and Hon'ble Supreme Court in the case of Babli Devi (supra).
7. Learned counsel for the applicant submits that in the connected matters, the applicants therein were forced to file a CP for compliance of the orders as the respondents did not comply with the order in time-frame.

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8. We expect that the respondents shall take a view strictly in terms of the orders aforementioned within a stipulated period. However, it is made clear that we have not commented upon the merits of the case and the respondents can take an independent view on the representation of the applicant taking into consideration the fact and effect of the orders aforementioned.

9. Disposed of accordingly. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 16.09.2014

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Member (A)
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