

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 527/2014

New Delhi, this the 23rd July of 2016

**Hon'ble Mr. Justice M. S. Sullar, Member (J)
Hon'ble Mr. V. N. Gaur, Member (A)**

1. Ajay Kumar Bhatnagar (since deceased)
Through

1A. Mamta Bhatnagar
W/o. Ajay Kumar Bhatnagar

1B. Akshat Bhatnagar
S/o. Ajay Kumar Bhatnagar

Both Resident of
10742 Gali No. 14,
Pratap Nagar,
Near Gulabi Bagh,
Delhi-110 007.

...Applicants

(Advocate : Mr. Ravinder Singh)

Versus

1. FA & CAO Northern Railways
Baroda house,
New Delhi.

2. FA & CAO COFMOW
Tilak Bridge
New Delhi.

....Respondents

(By Advocate : None)

O R D E R (O R A L)

Justice M. S. Sullar, Member (J) :

The epitome of facts and material, which needs a necessary mention, for the limited purpose of deciding the core controversy involved in the instant Original Application (O.A), and emanating from the record, is that, in pursuance of regular departmental inquiry, a penalty of dismissal from service was imposed on the applicant vide impugned order dated 11.12.2012 and conveyed to him vide memo No. SSO No. :: NG-182-A dated 14.12.2012 (Annexure P3) by the Disciplinary Authority (DA).

2. Dissatisfied thereby, the appeal filed by the applicant was partly accepted. The punishment of dismissal from service, was modified to that of compulsory retirement vide impugned order dated 07.05.2013 (Annexure P 1) by the Appellate Authority (AA).

3. Aggrieved thereby, the original applicant, Shri Ajay Kumar Bhatnagar (since deceased), preferred the instant O.A challenging the impugned orders being illegal, arbitrary and without jurisdiction, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

4. The respondents have refuted the claim of applicant, filed reply, wherein all the allegations and grounds contained in the O.A were stoutly denied and prayed for its dismissal.

5. Controverting the allegations of reply filed by the respondents and reiterating the grounds contained in the O.A, the applicant filed the rejoinder.

6. As luck would have been, during the pendency of O.A, the original applicant, Sh. Ajay Kumar Bhatnagar had expired. In the wake of application, Smt. Mamta Bhatnagar (wife) and Mr. Akshay Bhatnagar (son), were impleaded as his Legal Heirs vide order dated 03.05.2016 by this Tribunal.

7. At the very outset, learned counsel for the applicants, has fairly, acknowledged that, although no cause of action to challenge the impugned orders, survives after the death of the original applicant, but at the same time, he has contended with some amount of vehemence that the applicants, being his Legal Heirs, are entitled to the financial/retiral benefits. Nobody is appearing on behalf of the respondents to controvert the submission of learned counsel for the applicant.

8. Having heard the learned counsel for the applicant, having gone through the records with his valuable help, and in this view of the matter, the main O.A is disposed of with the direction, to the respondents to calculate all the pensionary benefits including the gratuity of Late Sh. Ajay Kumar Bhatnagar and then, to release the entire amount of such legally permissible benefits to the present applicants, subject to their entitlement, within a period of three months, from the date of receipt of a certified copy of this order, in accordance with law.

(V. N. Gaur)
Member (A)

(Justice M. S. Sullar)
Member (J)

/Maya/