

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.738/2016

Tuesday, this the 25th day of July 2017

Hon'ble Mr. K.N. Shrivastava, Member (A)

Smt. Sneh Prabha (Age 58 years)
w/o late Shri Ram Phal (Peon)
r/o A-61, DDA Flats
Sindhora Kalan, Delhi

Present Add:

Jhuggi No.J-24, Chowki No.2
Sindhora Kalan, Delhi

(Mr. Akhilesh Singh, Advocate)

..Applicant

Versus

1. Ms. Medical Superintendent
Aruna Asaf Ali Hospital, GNCT
Rajpur Road, Delhi
2. Director, Directorate of Health
Karkardooma, Delhi

..Respondents

(Mr. B N P Pathak, Advocate)

O R D E R (ORAL)

The applicant's husband, Shri Ramphal was working as a Peon at Aruna Asaf Ali Hospital, Govt. of NCT of Delhi. He died in harness on 05.08.1997. The applicant, through the medium of this O.A., has prayed for the following reliefs:-

- “a) direct the respondent to provide the death-cum-retirement benefits including pensionary and other legal benefits to the applicant of the deceased Sh. Ram Phal;
- b) To pass an order to directing the respondent No.1 to give the service to the applicant on compassionate ground.”

2. Pursuant to the notice, the respondents entered appearance but they have not filed reply. Today, during the course of hearing the matter, learned counsel for respondents submitted that the long delay, that had taken place in giving the retiral benefits of her late husband to the applicant and to sanction her family pension, has occurred on account of another lady, Smt. Ajodhya Devi, claiming to be the legally wedded wife of the deceased. The said Ajodhya Devi had filed Suit No.1632/06/98 for declaration in the court of Senior Civil Judge, Delhi. The said suit was dismissed on 22.09.2012. A copy of the order of Senior Civil Judge, Delhi is enclosed by the applicant with the O.A. and the same is at pp. 15-22 of the paper book. Thereafter, the said Ajodhya Devi filed an appeal, being RCA No.61/2012, which too was dismissed by the court of Additional District Judge (Central-07), Tis Hazari Courts, Delhi on 26.09.2013, pp. 24-28 of the paper book. Thus, there is no room for any doubt that the applicant is legally wedded wife of late Shri Ramphal and hence entitled for all the reliefs that she has claimed in this O.A.

3. Learned counsel for respondents submits that claims towards insurance saving fund, pay arrears and GPF payment have already been settled and paid to the applicant. In support of this averment, Mr. Pathak, learned counsel placed on record a copy of order dated 20.04.2017 issued by respondent No.1.

4. The only claim of the applicant, which is yet to be settled, is grant of family pension and gratuity to her. Learned counsel for respondents submits that the office of PAO is insisting on 'no dues certificate' in respect

of the deceased Ramphal and because of that, the settlement of gratuity and family pension is getting delayed.

5. It is pertinent to observe that the applicant died more than 20 years ago. The applicant, who is widow of Ramphal, is not in position to get the 'no dues certificate' from the concerned Wings / Departments of the hospital. No one prevented respondent No.1 from collecting the details of any pending dues from its various Units. Learned counsel for respondents fairly submitted that the respondents are not concerned with any other dues, except the dues towards the government accommodation, which was occupied by the deceased Ramphal and the said accommodation was handed over by the applicant after many years of the death of Ramphal.

6. Shri Pathak also placed on record a copy of letter dated 12.07.2012 written by respondent No.1 to Secretary, PWD, Govt. of NCT of Delhi seeking information with regard to any pending dues in regard to House No.61, Type A, Delhi Administration Flats, Sindhora Kalan, Delhi, which was occupied by the family of the deceased Ramphal. The reply of Secretary, PWD is still awaited.

7. In view of the factual matrix of the case, as mentioned above, I dispose of this O.A. with the following directions to the respondents:-

a) The respondents shall obtain a certificate from the Secretary, PWD, Govt. of NCT of Delhi in regard to any dues of the applicant towards the official accommodation for overstaying within a month from the date of receipt of a copy of this order.

b) On receipt of the certificate mentioned at (a) *supra*, respondent No.1 shall sanction family pension and the admissible gratuity amount to the applicant after adjusting outstanding dues within three months thereafter.

No order as to costs.

(K.N. Shrivastava)
Member (A)

July 25, 2017
/sunil/