

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTINGS:GWALIOR**

**Original Application No.202/00811/2017**

Gwalior, this Wednesday, the 24<sup>th</sup> day of October, 2018

**HON'BLE SHRI R. RAMANUJAM, ADMINISTRATIVE MEMBER**  
**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

1. Smt. Neelam Mourya W/o Late Shri Sudhir Bahadur Mourya  
 Age : 46 years, Occupation: Service Posted as LHV in the Department of Health & Family Welfare, R/o Near Mahadev Naka Shiv Temple Khatik Mohalla Morar Gwalior (M.P.) 474006
  2. Kum. Sanskrati @ Khushi D/o Late Shri Sudhir Bahadur Mourya Aged : 8 years U/G of Mother Smt. Neelam Mourya W/o Late Shri Sudhir Bahadur Mourya Age:46 years, Occupation Service Posted as LHV in the Department of Health & Family Welfare, R/o Near Mahadev Naka Shiv Temple Khatik Mohalla Morar Gwalior (M.P.) 474006
- Applicants**

(By Advocate –**Shri Saurabh Parashar**)

**V e r s u s**

1. Comptroller & Auditor General of India, 10,  
 Bahadur Shah Zafar Marg  
 New Delhi PIN 110002
  2. Accountant General (General & Social Sector Audit)  
 “Audit Bhawan” Jhansi Road,  
 Gwalior M.P. 474002
  3. Smt. Parvati W/o Late Shri Kunwar Pal Mourya,  
 R/o Opp. Alpana Talkies Tikoniya Morar  
 Gwalior (M.P.) 474006
- Respondents**

(By Advocate –**Shri J.P. Saxena** for respondents Nos.1 & 2 and  
**Shri P.K. Chaturvedi** for respondent No.3)

**O R D E R (ORAL)**  
**By R. Ramanujam, AM:-**

Heard. The applicant has filed this O.A. seeking for the following reliefs:

*“8.i) The impugned action or oral refusal of death claims of Late Shri Sudhir Bahadur Mourya by the respondents may kindly be declared illegal and bad in law.*

*8.ii) That, the respondent No.2 be commanded to settle entire death claims of Late Shri Sudhir Bahadur Mourya in favour of the applicants keeping in view of the fact that the applicant No.1 is legally wedded wife of Late Shri Sudhir Bahadur Mourya and pay the same alongwith interest @15% per annum, in the interest of justice.*

*8.iii) Cost of the petition be awarded or any other order direction deemed fit in the circumstances of the case be issued in favour of the petitioner.”*

**2.** It is submitted that the applicant is the wife of one late Shri Sudhir Bahadur Mourya who was employed with the respondent-department. The respondents are in the process of settling the death claims of the deceased employee in favour of his mother and not the applicant. Aggrieved by the alleged denial of her rights by the respondents, the applicant has filed this O.A.

**3.** Learned counsel for respondent No.3 would raise an objection on the maintainability of this O.A contending that respondent No.3 had been nominated by the deceased employee to receive his death benefits, and therefore, the applicant would have no claim to receive the same directly from the respondents No.1

and 2. If the applicant had any claim, it is for her to agitate the same in the competent civil court of jurisdiction as this Tribunal could not go into her civil rights, if any under the law.

**4.** Learned counsel for respondents No.1 and 2 would submit that the official respondents were bound by the nomination received by the employee and they could not grant his death benefits to the applicant in the absence of any order by a competent court.

**5.** In the light of the above submissions, learned counsel for the applicant seeks to withdraw this O.A. with liberty to approach the competent Civil Court of jurisdiction for an appropriate remedy. O.A. is accordingly dismissed as withdrawn.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(R. Ramanujam)**  
**Administrative Member**

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