

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**MA No.060/00959/2018 IN
OA No. 060/00775/2018 &
MA No.060/00958/2018**

Decided on : 09.01.2019

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

1. Raj Kumar s/o Late Sh. Diwan Chand, age 36 years, r/o Village Nada, Tehsil Kharar, PO Nayagaon, District Mohali, Punjab, (Group "D")-160103.
2. Hans Raj s/o Late Sh. Diwan Chand, age 31 years, r/o Village Nada, Tehsil Kharar, PO Nayagaon, District Mohali, Punjab, (Group "D")-160103.
3. Salindra d/o Late Sh. Diwan Chand, age 29 years, r/o Village Kartarpur, PO Mulla, Tehsil Kalka, District Panchkula, Haryana (Group "D").

.....Applicants

BY ADVOCATE: Ms. Moushmi Mittal.

VERSUS

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector 9-D, Chandigarh-160009.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector 9, Chandigarh-160009.
3. Chief Engineer, Municipal Corporation, Chandigarh, New Deluxe Building, Sector 17, Chandigarh-160017.
4. Executive Engineer, Municipal Corporation, Public Health Division No.1, New Deluxe Building, Sector 17, Chandigarh-160017.

.....Respondents

**BY ADVOCATE: Mr. Rakesh Verma, counsel for respondents no.1 & 2.
Mr. G.S. Chhina, proxy for Mr. Arvind Moudgil, counsel for respondents no.3 & 4.**

ORDER (ORAL)**HON'BLE MR. SANJEEV KAUSHIK, MEMBER(J):-****MA No.060/00958/2018**

1. Heard.
2. The present Miscellaneous Application has been filed under Rule 4 (5) (a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file joint petition. For the reasons stated therein, the same is allowed, permitting the applicants to file a joint OA.

OA No. 060/00775/2018

1. By means of the present Original Application (OA), the applicants seek issuance of a direction to the respondents to forthwith release / disburse all the admissible monetary benefits due to them on account of unfortunate demise of their father, i.e. death-cum-retirement gratuity, GPF, ex-gratia, arrears on account of revised scale of pay w.e.f. 01.12.2011, ACP benefits etc. alongwith 18% interest.

2. Chandigarh Administration is represented by Mr. Rakesh Verma, Advocate and Mr. G.S. Chhina, proxy for Mr. Arvind Moudgil, learned counsel for Municipal Corporation, who has filed reply. In their reply, respondents no.3 & 4 have taken a plea, which reads as follows:-

- "1. That the answering respondents are filing the present short reply to controvert the claim raised by the applicants. Respondents pray for indulgence of the Hon'ble Tribunal to file the detailed reply in case the same is found satisfactory.
2. That the relief has been claimed against the Municipal Corporation Chandigarh whereas the Municipal Corporation Chandigarh does not fall within the jurisdiction of this Hon'ble Tribunal. Hence the OA is not maintainable and deserves to be dismissed on this ground alone.
3. That the OA is devoid of merit as late Sh. Dewan Chand S/o Sh. Basanta Singh father of the applicants was

initially appointed in Chandigarh Administration as Chowkidar on work charge basis vide Executive Engineer Project PH Division No.1 Chandigarh No.1398 dated 12.03.1986. On formation of Municipal Corporation Chandigarh he was transferred to MC Chandigarh in May 1996 as purely work charge basis.

4. That Sh. Dewan Chand S/o Sh. Basanta Singh father of the applicants was expired on 13.10.2012. Legal heir certificate was got issued by MC Chandigarh from Deputy Commissioner SAS Nagar. The applicants did not submit their claim for release of pensionary benefits of late Sh. Dewan Chand till date due to the reasons best known to them. The matter for release of pensionary benefits of late Sh. Dewan Chand father of applicants will be processed as and when the applicants submit their claim along with documents such as their passport size photographs, ID Proof, birth certificate of the applicants, copy of bank pass book from where the applicants want to take pensionary benefits, affidavit regarding refund of excess payment if made etc.”

3. The above extract of the written statement suggests that the benefit could not be released, as the applicants have not furnished desired documents, which are detailed in para 4. Learned counsel for the respondents also submitted that let applicants be directed to furnish desire documents and thereafter they will immediately released the admissible benefits.

4. Learned counsel for the applicants submitted that though the applicants had already submitted the papers, but they will furnish the documents, within a week, and thereafter, let the respondents be directed to expedite the matter and release the amount, within a period of one month thereafter.

5. In the wake of the above, it will be the interest of the justice to dispose of the present petition, at this stage, in the indicated way, with a direction to the respondents to consider and release the amount admissible to the applicants, within a period of one month. If

they need further documents, they can communicate to the applicants, so that they can furnish all documents. Ordered accordingly.

6. Connected MA also stands disposed of.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Place : Chandigarh
Dated: 09.01.2019

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