

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00071/2019

Chandigarh, this the 5th day of February, 2019

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

...

Smt. Sunaina w/o Late Sh. Santosh Kumar, aged 50 years, resident of House No. 608, Brown Road, Near Afla Tower, Ward No. 13, Block No. 8, Ludhiana – 141001.

Applicant

(Present: Mr. D.R. Sharma, Advocate)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chief Commissioner, Central Excise Division, Sector 17, Chandigarh – 160017.
3. Commissioner Central Excise, Commissionerate, Ludhiana – 141001.

.....
Respondents

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. The present O.A. has been filed by the applicant seeking issuance of a direction to the respondents to release her family pension and other pensionary benefits like gratuity, leave encashment etc w.e.f. 14.08.2006 based upon judicial pronouncements in similar cases.
2. Learned counsel has relied upon judicial pronouncement in the case of **Jaswinder Kaur vs. Union of India and Others** (O.A. No. 87/HR/2013 decided on 10.01.2014, and in the case of **Dalbir Kaur Vs. Union of India** (O.A. No. 1521/PB/2013 decided on 21.07.2014), further upheld by the Hon'ble Jurisdictional High Court. He submitted that based upon the indicated judicial

pronouncements, the applicant served a legal notice 25.08.2018 (Annexure A-1), before approaching this Court, upon the respondents for grant of similar benefits, but the same has not been answered till date. He prayed that the applicant would be satisfied if a direction is issued to the respondents to consider her claim in the light of relied upon cases and pass a reasoned and speaking order.

3. Accordingly, the O.A. is disposed of in limine, with a direction to the respondents to consider the claim of the applicant in the light of judicial pronouncements in the cases relied upon by her. If the applicant is found similarly situated like the applicants in the relied upon cases, the relevant benefit be granted to her, otherwise a reasoned and speaking order be passed on her legal notice (Annexure A-1) within a period of two months from the date of receipt of a copy of this order. A copy of the order so passed be duly communicated to the applicant.

4. Needless to mention that nothing observed hereinabove shall be construed as an expression of any opinion on the merits of the case. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 05.02.2019

‘mw’