

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

COURT NO. : 1

01/03/2019

O.A./260/49/2019

SMT P TRIPATHY

-V/S-

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

ITEM NO:7

FOR APPLICANTS(S) Adv. : Mr. S.K. Mishra

FOR RESPONDENTS(S) Adv.: Mr. S.B. Jena

| Notes of The Registry | Order of The Tribunal   |
|-----------------------|---|
|                       | <p>Heard Ld. Counsels for the applicant and Respondents.</p> <p>The applicant is undisputedly the widow and the wife of the deceased employee and her name has been reflected in the Legal Heir Certificate issued by the Tahasildar, Satyabadi a copy of which is annexed at Annexure-A/2 of the O.A.</p>  |
|                       | <p>Ld. counsel for the respondents submitted that the respondents are unable to proceed further since the dispute regarding legal heir and guardianship of the minor son is pending before the Court and the applicant's husband had filed nomination in favour of his minor son only.</p>  |
|                       | <p>As per rule, the family pension be paid to the widow as there is no dispute of the marital status. In view of the above, respondents are directed to consider the case of the applicant for sanction of the family pension as per law basing on legal heir certificate and other relevant documents. Other retirement dues be released to the legal heirs as per law excluding the share of the minor son, which can be released after the decision of the competent Court</p> |

about the guardianship. Respondents may see that the legal rights of all the legal heirs are protected as per law. The respondents are to comply this order within two months time from the date of receipt of copy of this order.

It is made clear that we have not expressed any opinion on the merit of this case while passing this order. The O.A. is disposed of accordingly. No costs.

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| ( SWARUP KUMAR MISHRA)<br>MEMBER (J) | ( GOKUL CHANDRA PATI)<br>MEMBER (A) |
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