

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**RA NO.174/2018
in
OA NO.473/2017
MA NO.3973/2018**

New Delhi this the 15th day of February, 2019

HON'BLE MR. PRADEEP KUMAR, MEMBER (A)

1. Aman Kumar Pandey,
Aged 21 years,
Son of Late Shri Ram Dulary Pandey.
2. Smt. Sushila Devi,
Aged about 47 years,
Widow of Late Shri Ram Dulary Pandey.

(Both Residents of Vishnu Nagar Colony (Usru)
Tehsil Sadar, Distt. Faizabad U.P-224 001.Review Petitioners

(By advocate: Mr H P Chakravorti)

VERSUS

1. General Manager,
MTNL, Nehru Place,
New Delhi-110099.
2. Chairman & Managing Director,
MTNL, 5th Floor, Mahanagar
Doordarshan Sadan,
9, CGO Complex, Lodhi Road,
New Delhi-110 003.
3. Manoj Kumar Pandey,
C/o Harish Kumar, House No.272,
Sector-7, Naharpur Gaon,
Near Car Market, Rohini,
New Delhi-110 085.Respondents

(By advocate: Ms Ritu Pama & Mr Jasbir Bidhuri)

ORDER (Oral)

Mr. Pradeep Kumar Member (A):

Heard Mr H P Chakravorti learned counsel for the applicant and Mr Ritu Pama learned counsel for the respondents.

2. The applicant approached the Tribunal earlier in OA no. 473 of 2017 wherein judgment was pronounced on 10.10.2017. The controversy is that the applicant is the son of the second wife of the late employee. The said late employee had contracted second marriage while his first wife was still alive and in that sense, second marriage was not a legal marriage.

3. The applicant herein is claiming certain retiral benefits in the form of family pension. This was adjudicated by the Tribunal in the said OA no 473/2017 and following orders were passed:-

"In this view of the matter, to meet the ends of justice, I deem it appropriate to direct the respondents to ask the applicants as well as private respondent and all others who claim to be legitimate successors of the deceased employee to obtain legal succession certificate(s) or any such relevant and legal documents and submit the same to the respondents in support of their claim. Once such succession certificates/legal documents are obtained and produces before the respondent-department, the respondents shall consider the same in accordance with rules and law and pass appropriate orders with respect to the payment of retiral dues of the deceased employee.

I, therefore, dispose of the present OA with the above directions. The respondents are further directed to settle the claims within a period of two months of receipt of such succession certificates and any other relevant legal documents."

4. The present RA has been filed seeking review to these directions and towards that MA 3973/2018 has been filed seeking condonation of delay of 293 days in seeking such review.

5. The applicant submits that subsequent to the orders of the Tribunal, he had submitted the documents including succession certificate to the respondents vide his letter dated 26.10.2017. However, the respondents vide their letter dated 13.06.2018, have still replied that succession certificate has not been submitted. Respondents mentioned that said succession certificate was issued without hearing other parties and hence cannot be relied upon.

6. It is seen from Para 7 of Tribunal's order dated 10.10.2017, that there is dispute about the succession within the family which needs to be settled by the relevant court of law. This para reads as under:

“From the facts of the case it clearly appears that this is a case where the legitimacy of successors of the deceased employee is being contested. On one hand, there is a claim of legally wedded wife and three children (wife is no more now) and on the other hand, claim is made by the son of a woman, who was supposedly an illegal wife of the deceased. In my view this dispute is not a dispute related to service matter. It is a dispute that relates to succession and legality of the heirs of the deceased employee for which the Tribunal has no jurisdiction. The question of payment of retiral dues or family pension etc. will arise only after the issue of succession or legality of heirs of the deceased employee is established. Such an exercise of declaring succession or legality of the heirs is beyond the jurisdiction of this Tribunal. It has also been brought to my notice that the applicant no. 2 has already obtained a succession certificate but that is meant for GPF amount only.”

7. In view of the foregoing, there is no apparent error of law in the said judgment.

Accordingly, the RA seeking review is dismissed. Adequate reasons for condonation of the delay, have also not been brought out. MA seeking condonation of delay is also dismissed.

**(PRADEEP KUMAR)
MEMBER (A)**

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