

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 4062/2018

MA No. 4514/2018

MA No. 4513/2018

New Delhi this the 7th day of August, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Surya Pratap Raw, Age 21 years,
2. Neeraj Pratal Raw, Age 16 years,
3. Chandra Pratap Raw, Age 15 years
(Applicants no.2 & 3 being minor represented
through their mother Maya Devi)

All R/o A-67, Budh Vihar, PH-II,
Veer Singh Colony,
New Delhi-110086 - Applicants

(Applicants claiming legal representative of late Dev
Nath Ram Employ No.D800453 (MZ-23956)
Watchman) Group D

(By Advoate: Mr. Rakesh Kumar Singh)

VERSUS

1. Mahanagar Telephone Nigam Limited,
Through General Manager,
GM East Minto Road, New Delhi
2. Kamta Ram, S/o Devnath Ram,
R/o Vill. Amari, Kotedar,
PS Dullapur, District – Ghazipur,
UP-233001 - Respondents

(By Advocates: Mr. Shashwat Sharma for R-1 and Mr.
Lalta Prasad for R-2)

ORDER (Oral)

MA No. 4513/2018 for joining together is allowed for the reasons stated therein.

2. The applicants have filed this Original Application (OA), seeking the following reliefs:-

- “(A) to pass and issue appropriate order(s) and direction(s) to the R-1 to release and pay due pension funds and other financial benefits directly to applicants as claimed and demanded by the applicant(s) vide their letters dated 27.04.2018 and also by legal notice dated 27.08.2018.
- (B) Direct and order the R-1 not to release any pension funds/other financial benefits of Late Dev Nath Ram to R-2 under any circumstances.
- (C) Declare if any payment attempted to be made or actually made to R-2 by R-1 as improper, invalid, illegal, unlawful and bad in the eyes of law.
- (D) Pass any such other/further consequential order(s)/direction(s) which this learned Tribunal deems fit and proper in the facts and circumstances of the present case.”

3. Counsel for the applicants informed that he is not pressing the reliefs (a) and (b) above as he is aware that payments have been made by the respondents to other party and hence he drew our attention to relief (c) whereunder the payments made to respondent no.2 by respondent no.1 be declared as improper, invalid, illegal, unlawful and bad in the eyes of law.

4. Counsel for the respondents drew our attention to the fact that the applicants herein are the grandchildren of the deceased employee of the respondent MTNL, viz. Dev Nath Ram and are seeking directions for payment of the retiral benefits of the late Dev Nath Ram. They have thus contended that the Tribunal has no jurisdiction to try the same in view of the fact that there is no employee-employer relationship between the applicants and the respondent MTNL. They have also contended that as per the rules of the Respondent MTNL, DCRG of the deceased employee has to be disbursed in terms of nomination filled by the deceased employee while in service and hence, the deceased employee had filled the name of Kamta Ram, respondent no.2 herein, the DCRG benefits of the deceased employee have been released in favour of respondent no.2.

5. After hearing both the parties, it becomes clear that the applicants are claiming to be the legal heirs of a deceased employee on the basis of a Will. They themselves are aware that they have to obtain rights as legal heirs from the concerned competent court and the Tribunal does not hear or adjudicate the matter with regard to who is the legal heir of the deceased employee and as per rules, the applicant has to first obtain a

declaration from the competent court in this regard. It is noted that the respondents have correctly made all payments as per the nomination filled by the deceased employee while in service. Hence, the OA is without merits and dismissed.

6. However, counsel for the applicants requests that a direction be given to the respondents that if in future, the applicants receive any favourable order from the competent court, they may be permitted to present their claim before the respondents. It goes without saying that all orders of Courts are enforceable and there is no need for this Court to pass any directions on the said plea. Pending MA No. 4514/2018 is also dismissed.

(Nita Chowdhury)
Member (A)

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