

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/00976/2019
Chandigarh, this the 17th day of September, 2019

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Mandeep Kaur wife of Sh. Gurdeep Singh (since declared dead) age 49 years resident of Village Saketri, Tehsil and District Panchkula – 134109 (Haryana)

....Applicant

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

Versus

1. Chandigarh Administration through the Secretary, Transport, U.T. Secretariat, Sector 9, Chandigarh – 160009.
2. The Divisional Manager, Chandigarh Transport Undertaking (CTU) & the Director Transport, Plot No. 701 in Industrial Area, Phase – I, Chandigarh – 160002.
3. The General Manager, Chandigarh Transport Undertaking –III (CTU-III), West of Sector 25, Chandigarh – 160025.

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Respondents

(Present: Mr. Arvind Moudgil, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The solitary prayer made by the applicant in the O.A. is for issuance of a direction to the respondents to grant her family pension and other benefits, in accordance with the Rules, she being wife of Gurdeep Singh, who went missing on 08.12.1991, and stands declared as civil dead under Section 108 of Indian Evidence Act.
2. Heard.
3. Mr. D.R. Sharma, learned counsel for the applicant submitted that the applicant and her son filed Civil Suit No. 140/2016 wherein a judgment and decree dated 10.05.2018 has been passed declaring Sh. Gurdeep Singh civil dead, having not been heard of for the last more

than seven years. Thereafter, the applicant submitted a representation dated 14.11.2018 (Annexure A-11) requesting therein to grant her family pension and other benefits as per the Rules, but the same has not been decided till date.

4. Learned counsel, in support of his claim, has relied upon a decision dated 18.07.2013 rendered by the Jabalpur Bench of this Tribunal in the case of **Rekha Bai Vs. Union of India & Others** (O.A. No. 1079/2011) wherein a similar issue has been put to rest in favour of the applicant therein. He suffered a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents consider and decide her representation (Annexure A-11) as per rules and case law relied upon by him.

5. Issue notice to the respondents.

6. At this stage, Mr. Arvind Moudgil, Advocate, appears and accepts notice. He does not object to disposal of the O.A. in the terms, as requested by learned counsel for the applicant.

7. In the wake of above noted facts and the judgment in the case of Rekha Bai (supra), as relied upon by the applicant), whereby identical issue has already been decided by the Court of Law, based upon the rules and instructions issued by the DoP&T, as noted in para 6 thereof, I deem it appropriate to dispose of the O.A., in limine, with a direction to the respondents to take a call and decide her claim for family pension and other benefits, as raised in the indicated representation (Annexure A-11), in accordance with the rules & instructions on the issue, expeditiously, and in any case, not later than two months from the date of receipt of a copy of the order. While carrying out consideration, the respondents shall take into

account the fact and effect of judgment passed in the case of Rekha Bai (supra). The order so passed by the respondents shall be duly communicated to the applicant.

8. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 17.09.2019

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