

Central Administrative Tribunal--  
Principal Bench

O.A.No.265/2003

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 11th of July, 2003

Sh. Nalini Kant Sharma  
(younger and only brother of  
late Pradeep Kumar Sharma)  
r/o House No.114, Dubey-Ka-Purao  
Manik Chowk Pulia  
Aligarh (UP). ... Applicant

(By Advocate: None)

Vs.

1. Union of India  
through The Secretary  
to the Govt. of India  
Ministry of Urban Development  
Nirman Bhawan  
New Delhi.
2. The Director of Printing  
Government of India  
'B' Wing, Nirman Bhawan  
New Delhi.
3. The Manager  
Government of India Press  
Aligarh (UP). ... Respondents

(By Advocate: Sh. Bhaskar Bhardwaj)

O R D E R (Oral)

By Shri Shanker Raju, M(J):

None appeared for applicant even on second call. OA is disposed of in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. Applicant, Sh. Nalini Kant Sharma, is younger brother of Sh. Pradeep Kumar Sharma, who sought for compassionate appointment on the death of his father, Sh. Shiv Kumar Sharma, who was working as Binder. As Shri Pradeep Kumar Sharma was declared medically unfit due to his disability, respondents considered the case of applicant, Shri Nalini Kant

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Sharma, for compassionate appointment, and placed his name in the waiting list to be offered appointment as per seniority.

3. Sh. Pradeep Kumar Sharma on account of his disability under FR 54(6)(iii) of the CCS (Pension) Rules, 1972 on the basis that he was dependant on deceased Govt. servant, and had physically disabled, unable to earn for the livelihood, had sought life time family pension.

4. Unfortunately, applicant had died and by way of MA 958/2003 present applicant was substituted.

5. The relief claimed in the present OA is grant of family pension under FR 54(6)(iii) by way of inheritance and being a legal heir, I find that provisions of FR 54(6)(iii) provides family pension till life only to the son who had suffered disability to render him unable to earn a living even after attaining the age of twenty one years.

6. As Shri P.K.Sharma died during the pendency of the OA, right to claim such pension by the applicant, who is an younger brother of Sh. P.K.Sharma, no more survives and cannot be devolved upon the legal heirs. As the applicant is neither disabled nor rendered unfit to earn a living, the relief claimed cannot be awarded. Accordingly, OA is dismissed. No costs.

S. Raju  
(Shanker Raju)  
Member(J)

/rao/