

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **21st Day of October, 2019**)

Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)

Original Application No.330/953/2019
(U/S 19, Administrative Tribunal Act, 1985)

Suneeta widow of Late Mahipal Singh, R/o Village – Bhopa, Tehsil-Jansath, District – Muzafar Nagar. Presently residing at Uttari Rampuri, Shahabuddinpur- Opp. Power House, Town and District Muzafar Nagar (U.P.).

..... **Applicant**

By Advocate: **Shri Ashok Kumar Singh**

Versus

1. Union of India, through its Secretary, Ministry of Finance, Government of India, North Block Secretariate Building, New Delhi.
2. Chief Income Tax commissioner, Kanpur/Meerut.
3. Additional Income Tax Commissioner, Muzaffar Nagar.
4. Income Tax Officer, Income Tax Bhawan, District Muzaffar Nagar.

..... **Respondents**

By Advocate: **Shri Vinod Mishra**

ORDER

Shri Ashok Kumar Singh, Advocate, is present for the applicant. Shri Vinod Mishra, Advocate is present for respondents.

2. Counsel for respondents has filed short counter reply before the Tribunal which is taken on record. Registry may inform accordingly.

3. The applicant Smt. Sunneta is the second wife of deceased employee namely Mahipal Singh, who was appointed as Gate Keeper in the department of Income Tax and died on 19.05.2018 during the course of employment.

4. The applicant married deceased employee in the year 1994 and gave birth two sons namely Sonu (23 Years) and Dharmendra (22 years).

5. It is stated that first wife of deceased employee died in the year 1991 and from the wedlock of first wife and deceased employee there is one son namely Amit, who is working as driver in the department of U.P. Government (UPSRTC).

6. It is stated that second wife of deceased employee moved an application to the respondents for releasing retiral benefits and family pension which has not been given to her. She made a representation on 09.09.2018 and yet neither any order has been passed nor any retiral benefits have been released in her favour.

7. Short counter reply dated 21.10.2019 which is filed today in the Tribunal states that on 26.10.2018 Shri Sonu son of first wife has submitted an objection regarding releasing of family

pension, funds, retiral dues etc. The contents of relevant portion of this affidavit are reproduced as below:-

"6. That on 26.10.2018, Shri Sonu S/o Late Mahipal Singh (son from his first wife) submitted an objection and requested not to issue the family pension, funds and etiral dues etc. to the other dependents.

7. That on 10.12.2018, three sons of deceased Late Mahipal Singh submitted their mutual compromise stating their distribution of immovable and movable property and specifically stated that family pension and retiral dues to be given to applicant i.e. Smt. Suneeta.

8. That on 26.12.2018, Shri Sonu, S/o Late Maipal Singh (son from his first wife) has again submitted his objection and requested not to issue the family pension funds and retiral dues etc. to the other dependents. He has also submitted succession certificate, issued by SDM Muzaffarnagr. As per this certificate all four dependents are equally eligible. On perusal of certificate it was noticed that this is only applicable up to Rs.5,000/."

8. There is no doubt that there is a dispute between descendants of late Mahipal Singh but it is incumbent upon the respondents' department to decide this dispute under the prevailing rules. Thereafter, it would be to the parties to invoke the jurisdiction of competent legal authority for redressal of their grievances, if any. Department cannot merely sit on the dispute and refuse to pass any order for grant of retiral dues and family pension.

9. The applicant has moved a representation on 09.09.2019 (Annexure A-3). Counsel for applicant has submitted that applicant will be satisfied if respondents are directed to

decide representation dated 09.09.2018 (Annexure A-3) by a reasoned and speaking order within specified time frame.

10. In view of the aforesaid limited prayer made by counsel for the applicant but **without commenting anything on merits of the case**, the instant Original Application is disposed off with the direction to the Competent Authority among the respondents to decide the representation of the applicant dated 09.09.2018 (Annexure A-3) by a reasoned and speaking order within a period of four months from the date of receipt of certified copy of this order and communicate the decision so taken by the respondents to the applicant in writing. No costs.

(Justice Bharat Bhushan)
Member (Judicial)

Sushil