

(2020) 10 CAT CK 0066

In the Central Administrative Tribunal

Case No : Original Application No. 1506 Of 2020, Miscellaneous Application No. 1089 Of 2020

Ashi Mohan

APPELLANT

Vs

Govt. Of NCT Delhi & Others

RESPONDENT

Date of Decision : 06-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0066

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : J S Mann, Esha Mazumdar

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

M.A. No.1089/2020

This M.A. is filed for condonation of delay in filing the O.A. We find that there is no delay in filing the O.A. M.A. is accordingly disposed of. Registry shall allot O.A. number to this case.

O.A. No.1506/2020

1. Sri Narender Kumar Sharma was working as Pharmacist in the Health Department of Government of NCT of Delhi. FIR No.85/2011 was registered against him on 27.04.2011 alleging certain criminal acts in relation to discharge of his duties. He retired from service on 31.07.2015, on attaining the age of superannuation. He died on 01.01.2019 and thereby the criminal case abated. His wife Smt. Chandra Prabha unfortunately died on 22.03.2020. The only son of the couple predeceased them. Their daughter, Ashi Mohan, approached this Tribunal stating that the retirement benefits of her father (late Sri Narender Kumar Sharma) were not paid and in spite of repeated representations to the respondents, no action has been taken thereon by the respondents.

2. Notice was issued to the respondents and they have filed their counter affidavit. It is stated that there is delay in filing of the O.A. On merits, it is stated that the various complexities in the case are being examined.

3. We heard Sri J S Mann, learned counsel for applicant and Ms. Esha Mazumdar, learned counsel for respondents, at length, through video conferencing.

4. This is an unfortunate case where the employee as well as his wife died before the retirement benefits were released to them. By the time Sri Narender Kumar Sharma retired from service on 31.07.2015, he was facing criminal proceedings. Obviously for that reason, he was not sanctioned the pension, but his GPF amount was released. The respondents were under obligation to release at least the provisional pension. He died on 01.01.2019 and his wife, Smt. Chandra Prabha approached the respondents. Even before any development could take place, she died on 22.03.2020. Claiming to be the sole successor and the person, who inherited the estate of her father and mother, the applicant herein , approached the respondents.

5. In all fairness, the respondents stated that they would certainly release the retirement benefits, if the applicant comes forward with a succession certificate issued by the competent court.

6. We, therefore, dispose of the O.A. directing that in case the applicant files a succession certificate issued by the competent court of law, the respondents shall verify the same and on being satisfied about the entitlement of the applicant, they shall release the pension and other benefits of late Sri Narender Kumar Sharma; and the amount as family pension payable to late Smt. Chandra Prabha, within three months from the date of submission of the certificate.

There shall be no order as to costs.