

(2020) 09 CAT CK 0075

In the Central Administrative Tribunal

Case No : Original Application No. 1210 Of 2020

Deepansh Choudhary

APPELLANT

Vs

NCT Of Delhi & Others

RESPONDENT

Date of Decision : 16-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0075

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

Bench : Division Bench

Advocate : Abhishek R. Shukla, Esha Mazumdar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. MA No. 1646/2020 is filed with a prayer to condone the delay of 2406 days in filing the OA. The applicant states that his mother Ms. Usha Rani was appointed as MTS (Cook) in Delhi Police and he is her child through her first marriage with Mr. Ranbir Singh. It is stated that Mr. Ranbir Singh gave divorce to Ms. Usha Rani and thereafter, she married one Mr. Ramesh Kumar. Usha Rani is said to have been murdered on 23/24.06.2011.

2. According to the applicant he was residing with his Maternal Grandmother, ever since he was abandoned and earlier he filed OA No. 631/2019, claiming the death cum retirement benefits of his mother. It is stated that on finding that the relief of compassionate appointment was not claimed in the earlier OA, he withdrew the same and filed the present OA. The applicant submits that he was diligently pursuing the remedies even as recently as in 2019 and that the MA is filed when objection was raised by the Registry about the delay. According to him the delay is properly explained and it is not either wanton or negligent.

3. Respondents filed a detailed reply and referred to the entire record. It is stated that the name of the applicant was not mentioned in the list of

dependents or children of deceased employee. It is also stated that when enquiry was sought to be made is to the claim of the applicant as the son of Ms. Usha Rani, his Grandmother, who put forward the case, did not cooperate and on the other hand threatened the officials. According to them, even now nothing is forthcoming to show that the applicant is the son of the deceased employee.

4. We heard Mr. Abhishek R. Shukla, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents, at admission stage through video conferencing.

5. The effort of the applicant is to get the benefits on account of death of Late Ms. Usha Rani, who was working as MTS (Cook) in Delhi Police. It is not in dispute that she was murdered on 26.03.2011. A case was registered against her husband Mr. Ramesh Kumar in connection with the murder. Obviously for that reason, the respondents did not release death cum retirement benefits.

6. The applicant swung into action only in the year 2019 by filling OA No. 631/2019. It was pleaded that he is the only and proper legal heir of the deceased employee and, accordingly, he is entitled for the death cum retirement benefit of his mother. This, however, is on merits.

7. Coming to the question of delay, the applicant is not consistent in his approach. Having filed the OA as recently as in the year 2019, he has withdrawn the same when the going was not smooth. Thereafter, he came through the present OA. This is obviously barred by operation of the principle of Constructive Resjudicata. Whatever be the case of the applicant on merits, the delay of 2406 days cannot be condoned even with the best of the explanation.

7. We, therefore, dismiss the MA and as a consequence, the OA. There shall be no order as to costs.