

(2006) 03 GAU CK 0019
In the Gauhati High Court

T.Thongkhanpao

APPELLANT

Vs

Union of India and Anr.

RESPONDENT

Date of Decision : 10-03-2006

Acts Referred:

Citation : (2006) 03 GAU CK 0019

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : K.Kumar, G.Khupchinpao, Advocates appearing for Parties

Judgement

1. Heard Mr. Khupchinpao, learned counsel for the petitioner as well as Mr. K. Kumar, learned CGSC for all the respondents.

[2] By an order of this court dated 20.02.2006, Mr. K. Kumar, learned CGSC appearing for the respondents had been directed to take necessary instructions as to why the respondents had not furnished particulars of the pensionary and other service benefits entitled to the petitioner's late daughter to the petitioner with two weeks. Accordingly, this writ petition is taken up again for Motion today. But the learned CGSC submits that he could not get the necessary instructions from the respondents.

[3] Taking into consideration of the matter, this writ petition is taken up for disposal at the motion stage.

[4] According to the petitioner the petitioner's daughter late Anila, was serving as a lady constable in the Central Industrial Security Force (for short CISF) and she was posted at the CISF Unit, LGBI Airport at Guwahati and she died while she was posting at the said CISF Unit, LGBI, Guwahati on 8.11.2003 under mysterious circumstances. After the death of his daughter, i.e. Anila, the petitioner applied to the respondents for payment of service benefit entitled to his late daughter late Anila receivable by the legal representatives of her daughter. It is also case of the petitioner that his daughter late Anila died unmarried, such being the situation the petitioner is classI legal heir of his late

daughter, Anila.

[5] Vide letter of the Assistant Commandant, CISF dated 24/26 June, 2004 the Assistant Commandant, CISF instructed the petitioner that "all the claims pertaining to the late lady constable Anila will go in favour of the nominee. It is also instructed that in case the petitioner wants to claim, he should obtain succession certificate from the Court and submit his claim along with succession certificate." In pursuance of the said letter of the Assistant Commandant, CISF dated 24/26 June, 2004 the petitioner had approached the competent authority i.e. District Judge, Manipur West for issuing succession certificate in respect of the retirement benefits entitled to his late daughter. But the learned District Judge demanded detailed amount receivable by the petitioner on the death of his daughter. But because of the failure to give particulars of the service benefits entitled to his late daughter, Anila the learned District Judge did not accept the said suit/application for issuing necessary succession certificate. Thereafter the petitioner by filing an application dated 15.1.2004 to the Deputy Commandant CISF Unit, LGBI, Airport, Guwahati requested to furnish particulars regarding service benefits entitled to his late daughter such as: (i) DeatcumGratuity/DCRG Rs., (ii) Group Insuranct Rs., (iii) G.P.F. Rs., (iv) Leave Encashment, Rs., (v) Risk Fund Rs., including any other payable amount. On the failure of the respondents to give particulars of the service benefits and others entitled to his late daughter, the petitioner approached this court by filing a writ petition. As stated above, this court by passing order dated 20.2.2006 had requested the learned CGSC, Mr. K. Kumar to take instructions. But till date no instruction has been received by the learned CGSC.

[6] It is fairly well settled that the petitioner's late daughter, Anila who was admittedly serving as a lady constable in the CISF is entitled to get retirement and service benefits on her death on 8.11.2003, this court is of the considered view that the respondents are not discharging the bounden duty to furnish particulars of the retirement benefit and other service benefits entitled to the petitioner's daughter receivable by her legal representatives till today.

[7] Keeping in view of the above facts and circumstances this writ petition is disposed of by directing the respondents to furnish particulars of the retirement and other service benefits such as (i) Deatcum Gratuity/DCRG Rs., (ii) Group Insuranct Rs., (iii) G.P.F. Rs., (iv) Leave Encashment, Rs., (v) Risk Fund Rs., including any other payable amount to the petitioner within a period of 2 (two) months from the date of receipt of this judgment and order so that the petitioner could obtain succession certificate in pursuance of the said letter of the Assistant Commandant, CISF dated 24/25 June, 2004. Writ petition is accordingly allowed.