

**Central Administrative Tribunal  
Ernakulam Bench**

**O.A No.180/00528/2021**

Monday, this the 18<sup>th</sup> day of October, 2021

**CORAM:**

**Hon'ble Mr. P.Madhavan, Judicial Member**

A. Ashraf, aged 48 years,  
S/o Appakutti, Ashana Manzil,  
Gandhi Nagar, Vettipuram Muri,  
Pathanamthitta – 689645.

-Applicant

(By Advocate: Mr.Manu Ramachandran & Mr.S. Aneesh)

Versus

1. Union of India,  
Represented by its Secretary to Government,  
Ministry of Communication, Department of Posts,  
New Delhi – 110 001.
2. The Chief Post Master General, Kerala Circle,  
Thiruvananthapuram – 695 001.
3. The Post Master General, Central Region,  
Ernakulam- 682 011.
4. The Superintendent, Head Post Office,  
Pathanamthitta- 689 645.

5. M. Azad Rawther, Vilakampuredathil,  
Kozhencherry, Pathanamthitta – 689 645.

- Respondents

(By Advocate: Mr.N.Anilkumar,SCGSC for R 1 to 4)

The O.A having been heard on 18<sup>th</sup> October, 2021 through video conference, this Tribunal delivered the following order on the same day:

**ORDER (ORAL)**

**P.Madhavan, Judicial Member**

This Original Application has been filed by the applicant seeking the following reliefs:

*“(a) To direct respondents 1 to 4 not to disburse the terminal benefits due to the deceased sister of the applicant in favour of the 5<sup>th</sup> respondent;*

*(b) To declare that the 5<sup>th</sup> respondent is not entitled to any terminal benefits due to the applicant's sister dying in harness;*

*(c) To declare that the applicant is the sole beneficiary to all terminal benefits due to his deceased sister;*

*(d) To direct the 2<sup>nd</sup> respondent to consider and pass orders on Annexure A7 representation submitted by the applicant after affording an opportunity of personal hearing to the applicant;*

*(e) To issue such other orders or direction as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case;*

2. Brief facts of the case are as follows:

The applicant is the sole brother of the deceased Smt.Abida Beevi A. who died in harness while working as Postal Assistant at the Head Post Office, Pathanamthitta. Before her death, the deceased has executed a deed in favour of the applicant bequeathing all of her property including her DCRG and GPF amounts to the applicant. The applicant found that the 5<sup>th</sup> respondent has disguised himself as the brother of the deceased and submitted applications for disbursal of the terminal benefits of the deceased in his favour and has even managed to get the same processed. Further, the applicant has submitted Annexure A7 representation before the 2<sup>nd</sup> respondent pointing out the fact that the application of the 5<sup>th</sup> respondent is a fraud one. The 2<sup>nd</sup> respondent is liable to be directed to consider Annexure A7 and

not to disburse the terminal benefits of the deceased in favour of the 5<sup>th</sup> respondent. Hence, the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that the representation of the applicant at Annexure A7 is pending before the Competent Authority and it is not disposed of till date.

4. Adv.Mr.N.Anilkumar,SCGSC takes notice on behalf of the respondent nos.1 to 4 and submits that he has no objection in disposal of the representation.

5. In view of the above submission, **the competent authority is directed to consider Annexure A7 representation in the light of relevant rules, regulations, guidelines and various documents produced by the applicant and pass a speaking order within a period of two months from the date of receipt of a copy of this order. Till that time the benefits may not be released, if not released so far.**

6. The Original Application is disposed of as above at the admission stage itself. No costs.

Issue a copy of this order to learned counsel for the respondents today itself.

**(P.Madhavan)**  
**Judicial Member**

**List of Annexures**

Annexure A1 - True copy of death certificate dated 08.03.2021 issued by the Department of Urban Affairs, Government of Kerala.

Annexure A2 - True copy of relationship certificate issued by the Village Office, Pathanamthitta dated 28.09.2021.

Annexure A3 - True copy of family membership certificate issued by the Village Office, Pathanamthitta dated 28.09.2021.

Annexure A4 - True copy of deed dated 17.09.2020 executed by the deceased.

Annexure A4(a)- True copy of the English translation of Annexure A4.

Annexure A5 - True copy of sworn affidavit of the deceased dated 05.02.2021.

Annexure A5(a)- True copy of the English translation of Annexure A5.

Annexure A6 - True copy of representation dated 31.05.2021 submitted by the applicant before the 4<sup>th</sup> respondent.

Annexure A6(a)- True copy of the English translation of Annexure A6.

Annexure A7 - True copy of representation dated 28.09.2021 submitted by the applicant before the 2<sup>nd</sup> respondent.

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