

JP
**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO. 260/00939/2014

Cuttack, this the 4th day of Sept., 2015

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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Smt. Lily Udgata aged about 42 years wife of late Shri Satya Narayan Padhi residing at Plot No. 246/50, Unit-IV, Sastri Nagar, P.S. Kharavela Nagar, Bhubaneswar, District Khurda.

.....**Applicant**

(Advocate : Mr. S.K.Ojha)

VERSUS

1. Union of India represented through the Secretary to Government of India, Department of Telecommunications, Sanchar Bhawan, 20, Asoka Road, New Delhi – 110 001.
2. Chief General Manager, Telecom District, B.S.N.L., Doorsanchar Bhawan, Bhubaneswar-22.
3. Controller of Communication Accounts, Odisha Circle, Department of Telecommunication, 4th Floor, C.P.M.G. Building, Bhubaneswar, District Khurda – 751001.
4. Shri Pramod Chandra Padhi,
5. Smt. Labanyabala Padhi wife of Sri Pramod Chandra Padhi, Both residing at Plot No. 552/2, Near Punama Gate, Old Town, Bhubaneswar, District Khurda.

.....**Respondents**

(Advocate : Mr. D.K.Mallick, for UOI)

(Advocate : Mr. K.C.Kanungo, for BSNL)

(Advocate : Mr. D.P.Dhalsamant,for R.Nos.4&5)

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O R D E R

A.K.PATNAIK, MEMBER (JUDL.) :

The gist and kernel of the case is that the applicant is the widow of Late Satya Narayan Padhi who while working under the Respondents died in harness

A.K.PATNAIK, MEMBER (JUDL.)

on 11.04.2013. Thereafter, she was paid the monthly family pension and other dues except the gratuity. Alleging no response to the repeated representations to release the gratuity, the applicant has filed this O.A. with the following reliefs:

- (i) *To allow this Original Application;*
- (ii) *To direct the Respondents No. 1 to 3 to release the Gratuity amount of her deceased husband forthwith;*
- (iii) *To direct the official Respondents to pay the interest @ 12% per annum till the actual payment is made;*
- (iv) *To pass any further order/orders as deem fit and proper in the facts and circumstances of the case."*

(Extracted as such)

2. The Respondents have filed their counter affidavit to which applicant has also filed a rejoinder. As the counter filed by the Respondent No.2 is relevant, it would suffice to quote the relevant portion of it which would run thus:

"4.the applicant has been granted family pension of Rs. 17,340/- P.M.+98.1% IDA which is evident from Annexure-A/2 of the OA. She has also been paid her shares of Rs. 23447/- from arrear pay allowances and Rs. 1,84,356/- against "Leave encashment" on the basis of legal heir certificate. But she is not entitled to get all the pensionary benefits 100% as claimed. The other dependent family members of the deceased employee have rights to get their respective shares from the pensionary benefits like Gratuity, GPF, Insurance etc as per prescribed nomination forms submitted by the deceased employee during his service in accordance to Rules 50,51 and 53 of CCS (Pension) Rules, 1972 and accepted by the competent authority. The photocopy of pages containing CCS (Pension) Rules, 50 to 53 are Annexure-R/1 to this counter."

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8. due action has been taken by the Respondents No. 2 & 3 to release the family pension. The applicant has been granted family pension of Rs. 17, 340/- P.M. + 98.1% IDA which is evident from Annexure-A/2 of the O.A. She has also been paid her shares of Rs. 23447/- from arrears pay allowances and Rs. 1,84,356/- against 'Leave encashment' on the basis of legal heir certificate. But she is not entitled to get all the pensionary benefits 100% as claimed. The other dependent family members of the deceased employee have rights to get their respective shares from the pensionary benefits like Gratuity, GPF, Insurances etc. as per the prescribed nomination forms submitted by the Deceased employee during his service in accordance to Rules 50, 51 and 53 of CCS (Pension) Rules, 1972 and accepted by the competent authority. Gratuity claim has been forwarded to the O/o CCA i.e. Respondent No.3 for early settlement. The claim of applicant for getting 100% gratuity amount vide her representation dtd. 25.09.2014 cannot be accepted in contravention to CCS (Pension) Rules."

(Extracted as such)



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3. Heard Mr.S.K.Ojha, Learned Counsel for the Applicant, Mr.D.K.Mallick, Learned Additional CGSC appearing for Respondent No.1, Mr.K.C.Kanungo, Learned panel counsel for BSNL and Mr. D.P. Dhalsamanta, Learned counsel appearing for Respondent Nos. 4 & 5 and perused the records including the Rules cited by the Respondents in their counter.

4. In course of hearing, placing reliance on the averments made in the counter, the Learned Counsel for B.S.N.L. submitted that as per the nomination and rules, the gratuity amount shall have to be disbursed proportionately among the applicant and private Respondents and steps have already been taken in this regard to which the Learned Advocates appearing for the respective parties, did not have any objection. In view of the above, there is no need to delve deep into the matter and this O.A. is disposed of with a direction to the Respondents (B.S.N.L.) to disburse the amount, as per the rules, as expeditiously as possible preferably within a period of 60 (sixty) days from the date of receipt of a copy of this order. The Applicant and Respondent Nos. 4 & 5 are at liberty to approach the authority along with a copy of this order for speedy execution. There shall be no order as to costs.


(A.K.Patnaik)
Judicial Member