

1.

PATNA BENCH, PATNA

O.A. No.654/2005

Date of order : 14<sup>th</sup> October, 2005

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Smt. Somri Devi

.....

Applicants

Vrs.

Union of India & Ors.

.....

Respondents.

Counsel for the applicant : Shri S.N.Tiwari.

Counsel for the respondents : Shri M.K.Mishra, Sr.S.C.

O R D E R

By Justice P.K.Sinha, V.C. :-

Heard the learned counsel for the applicant and the learned Senior Standing counsel for the official respondents. Though, this matter was fixed under the heading 'for direction' the defects having been removed, both the learned counsels have been heard on admission also with their consult and, in the circumstances of the case, this case is being disposed of at this stage itself.

2. The applicant Smt. Somri Devi claims to be the first wife of late Ram Lakhan Prasad Sinha, Ex L.S.G., Biharsharif H.O., District Nalanda who



had filed O.A. No.1035 of 2005 for receipt of terminal benefits on account of death of her husband. It is admitted that the late employee had a second wife also. The aforesaid O.A. was disposed of in favour of the applicant and pursuant to that order the Chief Postmaster General, Bihar Circle, Patna recorded a speaking order vice Annexure-A/1 in which, considering the relevant points and, in view of CCS [Pension] Rules, 1972 it was ordered —  
'All other pensionary benefits due in favour of the family of the deceased late Ram Lakhan Prasad Sinha are ordered to be paid to Smt. Somri devi, the first legally wedded wife of deceased employee late Ram Lakhan Prasad Sinha immediately.'

3. From perusal of the order of the Chief Postmaster General at Annexure-A/1 it would appear that the officer had also taken note of certain payments already made to the second wife of the deceased employee, namely, Smt. Krishna Sinha on the basis of nomination made in her favour by the deceased employee during his life time. However, in view of the government's order and Pension Rules, the Chief Postmaster General held that the terminal benefits and family pension should have been paid only to the first wife who alone could be said to be the legally wedded wife of the deceased employee. In this connection, the Chief Postmaster General had specifically stated that 'all other pensionary benefits due in favour of the



family of the deceased should be paid to the applicant.'

4. The learned counsel for the applicant submits that this application is for release of terminal benefits depending upon the concluding part of the order of the Chief Postmaster General which was dated 16.2.2004. It is submitted that out of the amount received by the second wife, the department had got a sum of Rs.3000/- refunded which stands deposited with the respondents. It is submitted that besides that, other terminal benefits including family pension w.e.f. 1.8.1988 which has not been paid to any one up to 30.6.2004, should also be paid to the applicant as detailed in para 8.1 of the application.

5. There is hardly anything to be adjudicated in this application. The applicant simply prays for implementation of the order of Chief Postmaster General recorded at Annexure-A/1 which was done after this Tribunal had disposed of O.A. earlier filed by the same applicant. The respondents should not have any difficulty in implementing the order of the Chief Postmaster General at Annexure-A/1 and to pay to the applicant 'all other pensionary benefits due in favour of the family of the deceased' including the amount of family pension for the period it has not been paid as well as the amounts as detailed in para 8.1 of the application.

6. The learned Sr.S.C. also submits that in view of the order at



Annexure-A/1 all legal dues will have to be paid to the applicant.

7. In that view of the matter, this application is disposed of directing the respondents to implement the order at Annexure-A/1 in full and to pay to the applicant all other terminal dues still lying with the department on account of death of the late Ram Lakhani Prasad Sinha as also family pension, if due, within a period of three months of the receipt of a copy of this order. The applicant, within fifteen days of the receipt of the certified copy of this order will make available the same to the Respondent No.4, Director of Accounts [Postal] along with a copy of this application with annexures who, along with Respondent No.3, the Superintendent of Post Offices, Nalanda Division, Bihar Sharif would be responsible for complying with the orders.

8. The O.A. is disposed of, accordingly.



[ P.K. Sinha ]  
Vice-Chairman

mps.