

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 699/2000

DATE OF DECISION: 30/03/2001

Smt. Vinaya Vishnu Agre

Applicant

Shri G.K.Masand

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

Shri V.D.Vadhavkar for Shri M.I.Sethna

-----Advocate for
Respondents.

Coram:

Hon'ble Smt. Shanta Shastry, Member(A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library.

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(SHANTA SHAstry)
MEMBER(A)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:699/2000
DATED THE 30th DAY OF MARCH 2001**

CORAM: HON'BLE SMT.SHANTA SHAstry, MEMBER(A)

Smt.Vinaya Vishnu Agre,
C/o.Eknath Pandurang Ziman,
Bhaniben Kamji Chawl, Room No.2,
Juna Nagardas Road, Andheri(East),
Mumbai - 400 069.

... Applicant

By Advocate Shri G.K.Masand.

V/s.

1. Union of India through
the Secretary, the Ministry
of Finance, North Block,
New Delhi.
2. The General Manager, India,
Government Mint, Shahid
Bhagatsingh Road, Fort,
Mumbai - 400 021.
3. Financial Advisor and Chief
Accounts Officer,
India Government Mint,
Shahid Bhagat Singh Road,
Fort, Mumbai - 400 023.

... Respondents

By Shri V.D.Vadhavkar for
Shri M.I.Sethna

(ORDER)

Per Smt.Shanta Shastry, Member(A)

The applicant in this OA is aggrieved by the memorandum dated 4/11-4-2000 and has prayed to quash and set aside the aforesaid memo and to issue directions to the respondents to pay her all dues that are payable to legal heirs of the deceased standing to the credit of General Provident Fund, Group Insurance Gratuity, Family Pension, Wages for Earned Leave, arrears of earned wages, etc. together with interest thereon at the rate of 21% per annum

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from 3/6/98 till payment.

2. The applicant's late husband Shri Vishnu Gopal Agre died on 2/6/98. The applicant was married to him on 16/5/87. Immediately on the death of her husband, the applicant approached the respondents for the dues payable to her, but she was called upon to produce the copy of the judgement regarding maintenance passed by a Family Court to enable the respondents to take further action. Accordingly she furnished a copy of the said judgement on 27/11/99. On receipt of various documents, the respondents directed the Deputy Labour Commissioner (Welfare) to conduct an enquiry to ascertain whether the applicant was really the widow of the deceased, Shri Agre. An enquiry was held by one Shri Yadav. He recorded the statements of the sister of the late husband of the applicant and the cousins besides those of the various employees of the India Government Mint who belonged to her husband's village and who had attended the marriage. He submitted the report confirming that she is the duly wedded wife of the deceased. The respondents however have adopted a cautious approach and therefore asked the applicant to produce the succession certificate or a declaratory decree declaring her the legal married widow of late Shri Vishnu Gopal Agre to process her case for family pension and other benefits. This is because the applicant's name at the time of marriage was Indu. The petition she had filed in the Family Court for maintenance was in the name of Indu whereas the late husband of the applicant nominated one Vinaya for receiving the General Provident Fund amount. It is because of these two different names that the respondents have

refrained to pay her the dues of her husband. On consulting the Law Ministry, that Ministry opined on 7/3/2000 that the applicant should be asked to produce a succession certificate.

3. The respondents submit that the deceased Shri V.G.Rege had registered his wife's name as Vinaya and he has shown the same name while nominating her for GPF on 30/3/1988. He never mentioned anywhere in the office record that his wife's name is Indu. The judgement of the Family Court directing the deceased to pay a sum of Rs.500/- per month as maintenance is payable to applicant as Indu. This judgement was given on 13/12/91. The deceased had never intimated this fact. There is no official evidence to prove that Vinaya and Indu are one and the same person. Applicant has not produced marriage certificate nor any ration card. She has not even produced a voter's card. Not satisfied with the legal right of the applicant, the respondents have asked her to produce succession certificate. It is their stand that strict vigilance has to be applied for payment of Government dues to the legal and right claimant.

4. It is the contention of the applicant that she is the lawfully wedded wife of late Shri Vishnu Gopal Agre. No other person has made any claim, therefore she is the legal heir of Shri Agre. In support of her claim, the applicant has pointed out that when her late husband died and while she was staying at her parents' house, the Estate Office of the India Government Mint addressed a memorandum dated 1/7/98 to her in the name of Vinaya at her parents address informing her of the cancellation of the allotment of quarters w.e.f. 21/8/96. The applicant vacated the

quarter and handed over the vacant posession clearing all outstanding dues payable by her deceased husband in respect of quarter. This is proof enought that she was recognised as the lawful wife of the deceased Shri Agre. They respondents however have not denied that there is any other claimant who has come forward to claim the dues.

5. I have heard the learned counsel for the applicant as well as the respondents. In my considered view, had it not been for the petition filed by the applicant for maintenance from her husband Shri Vishnu Gopal Agre, she would have been known as Vinaya as per the legal record that is available with the respondents i.e. the nomination by her late husband as Vinaya for receipt of GPF. There is no other claimant. Also even in the petition filed in the Family Court, though she has given her name as Indu, the maintenance was claimed from Shri Vishnu Gopal Agre only. This goes to show that she is the wife of late Shri Vishnu Gopal Agre otherwise she would not have been entitled to maintenance. Also when the respondents addressed the letter regarding cancellation of Government Quarter in the name of her husband, it was sent to her in the name of Vinaya and she vacated and cleared all the dues. The letter was sent to her parents' address. This is an acknowledgement that the respondents knew that she is the same person who was legally married to Shri Agre.

6. In my considered view therefore the applicant is entitled to all the dues especially when her late husband's sister has also confirmed that the applicant, Smt. Vinaya is legally wedded wife of late Shri V.G. Agre. I therefore do not hold it necessary that she should be asked to produce succession certificate or a declaratory decree as asked for by the respondents. I therefore quash and set aside the impugned memorandum dated 4/11-4-2000 and direct the respondents to release all the dues to the applicant as payable to the legal heirs of the late Shri Vishnu Gopal Agre including the Family Pension. This may be done within a period of three months from the date of receipt of copy of this order. ^{O.A. allowed.} No costs.

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(SHANTA SHAstry)
MEMBER(A)