

BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL, BANGALORE BENCH
BANGALORE

DATED THIS THE 20TH NOVEMBER 1986

Present : Hon'ble Justice K.S.Puttaswamy, .. Vice-Chairman
Hon'ble Shri P.Srinivasan .. Member

Transferred Application
No.1248/86.

N. Sreenivasan
Aged about 45 years
S/o A.T. Nithyanandam
No. 13/7, Ramakrishnappa Road,
Cox-Town,
BANGALORE - 560 005. Applicant
(Shri. S. Mahadevan, Advocate for Applicant)

Vs.

The General Manager,
Bangalore Telephones
Chamber of Commerce Building
Kempegowda Road,
BANGALORE. Respondent
(Shri.M.S.Padmarajaiah, Advocate)

The application has come up for hearing before
Court today. The Vice-Chairman made the following :

O R D E R

In this transferred application received from
the High Court of Karnataka under Section 29 of the
Administrative Tribunals Act of 1985, the applicant
has sought for a direction to the respondent to pay
him a sum of Rs.20,000-00 and other amounts said to be
due to him under the Central Government Employees
Group Insurance Scheme, 1980.

2. The applicant is the husband of one Smt. Pushpa who was employed as an office assistant in the office of the Assistant Engineer (North) Bangalore Telephones, Ulsoor Exchange, Bangalore. While in service she died on 26-1-1982.

3. When Pushpa was in service she was a member of the Scheme which inter-alia provides for nominations by members. The applicant claims that his wife Pushpa had nominated him to receive the amounts due under the Scheme as her nominee, he was entitled for payment of the amounts due under that scheme.

4. In resisting this application, the respondent has asserted that Smt. Pushpa had not nominated the applicant to receive the amounts under scheme and that the mother of the deceased had also staked her claim for payment of the amounts due under the scheme.

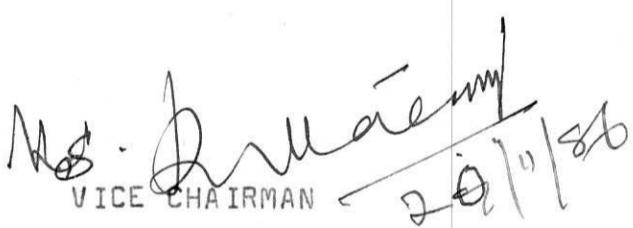
5. We had heard this case on 14-11-1986 and posted the same to-day for further hearing. At the further hearing of this case, the applicant Sri.N.Srinivasan is present. We have heard him and also Sri.N.Basavaraj, learned Additional Central Government Standing Counsel appearing for the respondent.

6. Sri. Basavaraj has produced the records which show that Smt. Pushpa had not nominated the applicant or any other person as her nominee under Scheme which came into force from 1-1-1982. When the deceased had not nominated the applicant as her nominee the question of the respondent making payment of the amounts to him

short
does not arise. On this ground the claim of the
applicant cannot be accepted by us.

7. We have earlier noticed that the mother of the deceased had also laid her claim for payment of the amounts due under the scheme. When that is so, this Tribunal or the respondent cannot adjudicate the rival claims. The rival claims have necessarily to be examined and decided by a competent Court only and not by us.

8. In the result, we dismiss this application. But, this should not be understood as this Tribunal deciding the merits of the claim which has necessarily to be examined and decided by the appropriate forum only. No costs.


Mr. J. M. D'Souza
VICE CHAIRMAN
20/11/86


P. S. Vaidya
20/11/86
MEMBER(A)