

(37)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 72 of 1991

~~Ex-Acc~~

Date of Decision : 25/5 Nov 1991.

Mrs. M. Vijayalaxmi

Petitioner.

Mr. S. Ramakrishna Rao

Advocate for the
petitioner (s)

Versus

The Post Master, Warangal and 4 others

Respondent.

Mr. N. R. Devaraj, Addl. CGSC

Advocate for the
Respondent (s)

CORAM : THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

THE HON'BLE MR. --

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

Rs
HRBS
M(A)

JUDGMENT DELIVERED BY THE HON'BLE SHRI R.BALASUBRAMANIAN,
MEMBER (ADMN.)

This application is filed by Smt. M.Vijayalaxmi, under Section 19 of the Administrative Tribunals Act, 1985 against the Post Master, Warangal and four others. Prayer in this application is, for a direction to the respondents to sanction family pension to the applicant.

2. The applicant's husband, Shri M.Vidyasagar was appointed as Extra Departmental Branch Post Master at Gundrathimadugu on 8.9.1971. He worked in that capacity for over 16 years till 20.11.1987. He passed the departmental examination for promotion to Group 'D' service, was selected and appointed as Group 'D' by the Superintendent of Post Offices, Warangal Division. He reported for that duty on 21.11.1987. He fell sick on 8.12.1987 and proceeded on medical leave. After a couple of months, he found that he would not be able to work at Warangal due to his failing health and therefore sought reversion to the original post as Branch Post Master at Gundrathimadugu. Later he passed away on 5.10.1988. The applicant, widow of Shri Vidyasagar, approached the authorities for grant of family pension. After protracted correspondence, her case had finally been rejected by the respondents vide their letter dated 6.2.1990 (Annexure-1) stating that Shri Vidyasagar

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.72 of 1991

DATE OF JUDGMENT: 25/11 November, '91

BETWEEN:

Smt. M.Vijayalaxmi

Applicant

AND

1. The Post Master,
Head Office,
Warangal.
2. The Superintendent of Post Offices,
Warangal Division,
Warangal.
3. The Post Master General,
Hyderabad Region,
A.P. Circle,
Hyderabad.
4. The Director of Accounts (Postal),
Hyderabad.
5. The Director General,
Dept. of Posts,
New Delhi.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Addl. CGSC.

CORAM: Hon'ble Shri R.Balasubramanian, Member (Admn.)

accepted by the respondents by a terse letter dated 8.8.1988. The letter simply states, "the declaration of promotion to the post of Class IV Warangal H.P.O., submitted by Shri M. Vidyasagar is accepted with effect from 4.5.88." This mere acceptance is incomplete in that there is no order as to what Shri Vidyasagar should do further. The order is, therefore, incomplete. There is also no mention whatsoever as to what happened to the leave applied for. There is also no order relieving him from the Group 'D' post at Warangal. From all these, it can easily be concluded that ~~the~~ ^{the} very last position Shri Vidyasagar held (at the time of his death) was Group 'D' post at Warangal. Hence, it is totally wrong on the part of the respondents to say that he was not in Government service at the time of his death. Since he was in Government service at the time of his death, his widow is entitled to be considered for family pension. I also find from the records of the Department submitted to me that immediately before joining Group 'D' post at Warangal, he ~~had~~ been subjected to medical examination by the Civil Assistant Surgeon who has given a certificate on 27.10.1987 that he is fit for employment in the ~~office of~~ the Postal Department, Warangal. I, therefore, find that the widow is fully entitled to family pension in terms of F.R. 54-A(2)(ii) and direct the respondents to pay family pension to the widow of the

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died when he was not in service in the Department. Hence this application.

3. Respondents have filed counter affidavit and opposed the application. It is their case that the applicant worked as Group 'D' only for about 16 days and then he remained absent without leave being duly sanctioned. His application dated 25.3.1988 declining promotion to Group 'D' was accepted by them with effect from 4.5.1988. It is their contention that the applicant not being in Government service at the time of his death, his widow is not entitled to family pension.

4. I have examined the case and heard the learned counsel for the applicant and the respondents. The applicant's husband, Shri M. Vidyasagar, had actually functioned in regular Group 'D' post for 16 days. That he fell ill actually is not disputed by the respondents. It is admitted that the applicant underwent a major brain tumour operation in Gandhi Hospital, Secunderabad. The respondent's contention that he declined promotion is not correct. He had actually accepted promotion, joined duty and after a short time, he found that he was not in a position to continue due to his ill health. What is sought ^{for} therefore, was voluntary reversion and not declining of promotion. His application dated 25.3.1988 seeking voluntary reversion was finally

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deceased. The widow has already been put to tremendous hardship and avoidable inconvenience. Therefore, I direct that all the arrears due to her should be paid to her within two months of receipt of this order along with commencement of regular family pension. There is no order as to costs.

R.B.alasubramanian

(R. BALASUBRAMANIAN)
MEMBER (ADMN.)

DATED: 25th NOVEMBER, 1991.

826/11/91
Dy. Registrar.

Copy to:-

1. The Post Master,
Head Office,
Warangal.
2. The Superintendent of Post Offices,
Warangal Division,
Warangal.
3. The Post Master General,
Hyderabad Region,
A.P.Circle,
Hyderabad.
4. The Director of Accounts (Postal),
Hyderabad.
5. The Director General,
Department of Posts,
vsn New Delhi.
6. One copy to Shri. S.Ramakrishna Rao, 1-10-29, Ashok nagar, Hy
7. One copy to Shri.N.R.Devraj, Addl.CGSC CAT Hyd-bad.
8. One spare copy.

Rsm/-

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

:V.C

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR.

-M(J)-

DATED: 25/11/1991

ORDER/ JUDGMENT:

M.A./R.A./C.A. No.

in

O.A. No.

72/91

T.A. No.

(W.P. No.)

Admitted and Interim directions
Issued.

Allowd.

Disposed of with directions 4/12/91

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.

