

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.681 of 1992

DATE OF JUDGMENT: 24th September, 1992

BETWEEN:

Smt. B.Malleswaramma

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Applicant

AND

1. The Superintending Engineer,  
Central Public Works Department,  
Hyderabad.
2. The Executive Engineer,  
Central Public Works Department,  
Hyderabad.
3. The Secretary to Government,  
Central Public Works Department,  
New Delhi.
4. Kum. Vijayalakshmi
5. Kum. Nagamanoranjini Devi ..

Respondents

COUNSEL FOR THE APPLICANT: Mr. J.Venugopala Rao

COUNSEL FOR THE RESPONDENTS: Mr. M.Jagan Mohan Reddy, Addl.CGSC  
for R1 to R3.

Mr. C.Suryanarayana for R5.

CORAM:

Hon'ble Shri C.J.Roy, Member (Judl.)

*[Signature]*

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*[Signature]*

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JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE  
SHRI C.J.ROY, MEMBER(JUDL.)

This is an application filed by Smt. B.Malleswaramma seeking a relief to direct the respondents 1 to 3 to pay the due amounts of the deceased Mr. B.Reddappa to the applicant alone being his widow and the sole family member under the Hindu law, and release the amounts accrued to the deceased after his death.

2. The applicant claims that she is the only wife of one Mr. Batchu Reddappa who was working as Assistant Engineer under the Respondents 1 to 3. The said Mr. Batchu Reddappa met with an accident at Prodatur and died on 27.7.1991. In the application itself, the applicant stated that the Respondents 4 and 5 are the alleged wives of the late Mr. Batchu Reddappa.

3. From the facts, the application itself discloses that there are two <sup>other</sup> ~~women~~ <sup>also</sup> who are alleged to be claimed as the wives of the deceased. Hence, this Tribunal cannot decide the succession aspect which is to be decided by a Civil Court by way of a declaration <sup>of</sup> ~~under~~ the Succession Act.

4. The representation of the applicant to the Department is Annexure A-1 and the reply by the respondents to the Advocate <sup>for the</sup> applicant is Annexure A-2 which states that, "whatever

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payments admissible to the family of the deceased Government servant will be settled and paid as per the nominations made by the deceased Government servant which are available on the records of this office. As no nomination is existing in the name of your client as per service records available in this office, the question of dues of the deceased Govt. servant does not arise and cannot be paid to your client." Annexure A-3 is the Advocate notice to the respondents. Shri Jagan Mohan Reddy states that the Advocate's notice was also replied to but it is not found in the Annexures filed along with the O.A.

5. There is also Annexure A-6, the first information report on the accidental death of Mr. B. Reddappa due to fallen from scooter. Annexure A-7 is the Wedding invitation.

6. Surprisingly, the applicant herself makes the 4th and 5th respondents as parties to this application. It shows that there is a legal dispute with regard to succession.

7. This is the matter that is to be decided not by this Tribunal but by a competent civil court under the provisions of the Hindu Succession Act. Under these circumstances, the applicant is well within her rights to move for a succession certificate and take necessary action in accordance with the law and other remedies available to her.

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8. For the reasons stated supra, this Tribunal has no jurisdiction to go into the aspect of succession matter. After hearing Shri Satyanarayana Murthy, Proxy Counsel for Mr. J. Venugopala Rao, learned counsel for the applicant and Shri M. Jaganmohan Reddy, learned Additional Standing Counsel for the respondents 1 to 3 and Mr. C. Suryanarayana, learned counsel for the Respondent No. 5, I give the following order:-

The office is directed to return the papers ~~fax~~ to the applicant for presenting in a proper court or to take whatever action that is open to the applicant.

~ ~ ~ (Dictated in the open Court).

*firstly*  
(C. S. ROY)  
Member (Judl.)

*829/9/2*  
Dated: 24th September, 1992. Dy. Registrar (Judl.)

Copy to:-

1. The Superintending Engineer, Central Public Works Department, Hyd.
2. The Executive Engineer, Central Public Works Department, Hyd.
3. The Secretary to Government, Central Public Works Department New Delhi.
4. One copy to Sri. J. Venugopala Rao, advocate, 8-3-969/1, Triveni Apartments, Srinagar colony, Hyd.
5. One copy to Sri. M. Jagan Mohan Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Sri. C. Suryanarayana, advocate, CAT, Hyd (R-5).
7. One spare copy.

vsn

Rsm/-

*Recd. 24th Sept. 1992  
Rsm/-*

681/92  
C.R. 681/92  
681/92  
TYPED BY  
CHECKED BY P.M.  
COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :  
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 24/9/ 1992

ORDER / JUDGMENT

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

O.A. No. 681/92  
T.A. No. (W.P. No)

Admitted and interim directions  
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn / Administrative Tribunal

Dismissed for default of C. A. T.C.H

M.A. Ordered / Rejected 3 OCT 1992

No orders as to costs.

HYDERABAD BENCH.

pvm.