

48

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1398/94

Date of Order : 26.7.96

BETWEEN :

Smt. Chukka Chinnammalu

.. Applicant.

AND

1. Garrison Engineer (Naval Base),
Gandhigram Post,
Visakhapatnam - 530 005.
2. Commander Works Engineer (M.E.S.),
Station Road, Dondaparathi Post,
Visakhapatnam - 530 004.
3. The A.G.E.E./M (W) Naval Base,
Near Pipe Line,
Visakhapatnam - 530 005.
4. Mandal Revenue Officer,
Visakhapatnam Mandal
Near Eenaadu Office,
Visakhapatnam.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.B.Gajendra Reddy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

and

Mr.IVRK.Murthy

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

- - -

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

The applicant in this OA is the divorced of one late Sri Ch.Sri Ramulu. It is stated that the deceased married one ^{Smt.} Appalanarasamma and divorced her on 11.7.82.

Thereafter, he married the applicant in this OA and divorced her also by the decree ⁱⁿ O.P.No.212/89 dated 12.7.89 on the

(P-13 of the OA). It is stated in the decree that the



respondent in that O.P. namely the applicant herein was called absent and hence set-exparte. The deceased thereafter married and it is stated that she also deserted him and married someone else. The deceased has an old mother and it is stated that she is the person responsible in obstructing the way for paying pension and pensionary benefits to the applicant herein.

2. This OA is filed praying for a direction to the respondents to pay the family pension and other benefits due to her late husband Sri Ch.Sriramulu to her as she is entitled to receive the same as she is his sole legal heir.

3. The respondents submit that her marriage with deceased was annulled by the ex-parte decree dated 12.7.89 on the file of the Principal Sub-ordinate Judge, Visakhapatnam (page-13). It is also submitted that the deceased has nominated his mother as his legal heir in the official documents. Hence she cannot claim any pensionary benefits on account of the death of her late ex-husband Sri Ch.Sriramulu. However, the divorce decree is reversed and she gets the succession certificate her case for the relief as prayed for will be considered in accordance with the rules.

4. There is force in the submission of the respondents. The applicant having been separated by her husband by a divorce decree issued by the competent court she cannot now claim the status of wife of the deceased. But she submits that the divorce decree was done behind her back and it was an ex-parte order and hence is not sustainable in the eye of law.

5. The above submission of the applicant was considered. When a divorce decree, even if it is an ex-parte order issued by a competent court is in force her remedy to get the family

.. 3 ..

pension and other pensionary benefits of the deceased is to get the ex-parte decree reversed by the competent court and a succession certificate obtained in her favour thereof. If such proceedings are initiated and a favourable order obtained she can approach the respondent authorities with those orders for payment of the family pension and other pensionary benefits. The respondents authorities thereafter should initiate necessary action in accordance with the law for the payment of final settlement dues to the legal heir of the deceased.

6. The OA is disposed of in the above terms. No costs.

(R. RANGARAJAN)
Member (Admn.)

Dated: 26th July, 1996
Dictated in Open Court,

Dr. Registrar (stet)

sd

contd... 4/-

25/8/96

GA-1398

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 26/7/96

ORDER/JUDGEMENT
D.A. NO./R.A./C.P. NO.

D.A. NO.

in
1398/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

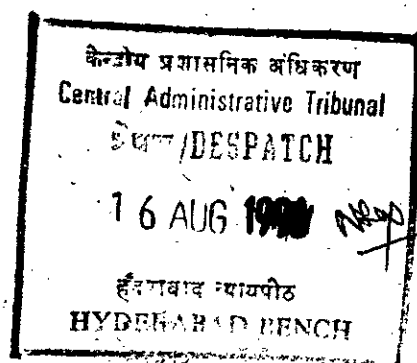
ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A.No.135/97 in OA.1398/94

Date of Order: 13.2.97

BETWEEN:

Smt.Chakka Chinnammalu

.. Applicant.

AND

1. Garrison Engineer (Naval Base),
Gandhigram Post, Visakhapatnam.
2. Commander Works Engineer (M.E.S)
Station Road, Bondaparti Post,
Visakhapatnam-530 004.
3. The A.G.E.L/M(W) Naval Base,
Near Pipe Line, Visakhapatnam.
4. Mandal Revenue Officer,
Visakhapatnam Mandal,
Near Eenadu Office,
Visakhapatnam

.. Respondents.

Counsel for the Applicant

.. Mr.E.Gajendra Reddy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

standing counsel for the respondents.

2. The OA was disposed of directing the applicant in the OA to obtain the necessary succession certificate in her favour by the competent court and then approach the respondents authorities with those orders for payment of family pension and other pensionary benefits. It was also observed in the judgement that the respondents authorities thereafter should


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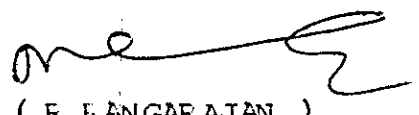
initiate the necessary action in accordance with the law ~~for~~
~~the~~ for the payment of final settlement dues to the legal heir
of the deceased.

3. Thereafter the respondents by their letter dt. 10.10.96
asked the applicant to inform the position in regard to getting
the succession certificate and in case no reply is received for
that letter her case will be treated as closed and further
action as deemed fit will be taken in this case. It is stated
that no reply has been received for the letter dt. 10.10.96.
It appears that she replied that letter by her application dt.
31.12.96. The learned counsel for the respondents submits that
even in that letter no mention has been made in regard to the
obtaining of the succession certificate. Another letter No.
15031/OA-1382/94/159/EL.NB, dt. 4.1.97 was addressed to the
applicant which states that the position of obtaining the
documents is to be produced or to be submitted by 31.1.97
failing which her claim will be ^{revoked} ~~perfected~~. Against this letter
this MA is filed for a direction to grant time till the applicant
would be able to submit the necessary documents to the respondents.

4. It is the responsibility of the applicant to inform the
position of obtaining the succession certificate from time to
time to keep her claim open. This will enable the authority to
to this case. Hence the applicant is directed to submit the
position for obtaining the ^{succession} certificate from the court every
month to the respondents. If she fails to do that the respon-
dents are at liberty to take such action as provided for in law.

5. MA is disposed of as above. No costs.

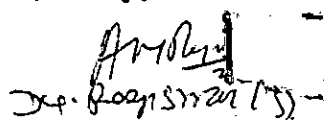

(P.S. JAI PARAMESWARAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

13/2/97

Dated: 13th February, 1997

(Dictated in Open Court)


J. Rajagopal (S)

8/11/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGIRAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 13/11/97

Order/Judgement ✓

R.P./C.P./M.A. NO.

135797

in
O.A. NO. 13480ay

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

II COURT

YLKR

Central Administrative Tribunal

मेसज/DESPATCH

4 MAR 1997

HYDERABAD BENCH