

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 647/94.

Dt.of Decision : 12-8-94.

Ch. Satyanarayananamma

.. Applicant.

Vs

1. Chief Engineer, Headquarters
Southern Command, Engineers Branch
Pune : 411 001.

2. The Chief Controller of Defence
Allahabad.

3. The Garrison Engineer,
Naval Base, Gandhigram,
Neusenabagh, Vizag...

.. Respondents.

Counsel for the Applicant : Mr. K. Vinaya Kumar

Counsel for the Respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

ORDER

The applicant's husband, Late Shri Ch.Narayana Murthy Raju, who was serving as a Mazdoor under the respondents, died on 8.9.75. The applicant is the second wife of deceased the deceased Shri Ch.Narayana Murthy Raju. The/had a son and daughter by names Sri Varaha Narasimha Murthy Raju and Smt Ch.Syamala Rani. By PPO No. C/IND/5824/77 dated 17.1.78, PS No.808, half of the pension was allotted to the applicant and the remaining half, to the son and daughter first wife of of the/late Ch.Narayana MurthyRaju. While so, on 30.11.90, the applicant made a representation to the third respondent that, as the son and daughter of the deceased Shri Narayana Murthy Raju had attained majority, got independence, married and settled, the entire pension may be paid to her. The third respondent addressed the Mandal Revenue Officer, Pedagantyada, Gajuwaka, Visakhapatnam, seeking information as to the attainment of majority of the son and daughter of Late Shri Ch.Narayana Murthy Raju. But, as the son and daughter were residing at Pattancheru, Medak District and Nellore respectively, the MRO could not give the required information. The son and daughter of the deceased Ch.Narayana Murthy Raju are aged 33 and 26 years respectively, the applicant contends that it is not necessary for the authorities to make any enquiry to ascertain the fact, that they have ~~age~~ attained the age of majority or not. Therefore, the applicant has filed this application for a direction to the respondents to pay her entire family pension.

2. The respondents have not filed any reply to this OA. Shri NR Devraj, Sr.CGSC appearing for the respondents,

under instructions from the respondents, submit that the decision to grant the entire family pension to the applicant is being delayed only for want of proof of attainment of the age of majority of the son and daughter of Late Shri Ch.Narayana Murthy Raju and as the applicant, despite of the repeated instructions by the authorities have not so far produced the school leaving certificates of these persons.

3. Having perused the application and having heard learned Central Government Standing Counsel, I am of the considered view that for the purpose of determining the question whether the son and daughter of the deceased Shri Ch.Narayana Murthy Raju has attained the age of majority, it is not necessary for the respondents to embark upon any detailed enquiry as the death of Shri Ch.Narayana Murthy Raju occurred in the year 1975. Further, as the son and daughter of the deceased Shri Ch.Narayana Murthy Raju are said to be living away(married and settled), it would be impractical to the applicant to produce School leaving certificates of these persons. In view of the above, the addresses of the son and daughter of the deceased Shri Ch.Narayana Murthy Raju in this application. If the respondents still want to make sure that the son and daughter of Late Shri Ch.Narayana Murthy Raju have attained majority and become independent, it is upon to them to issue notice to these persons and take a decision.

4. In the light of what is stated above, the application is disposed of with a direction to the respondents to issue notice to the son and daughter of

(g)

the deceased Shri Ch.Narayana Murthy Raju, as also,
in the address mentioned with affidavits
to the applicant within a month of receipt of copy of this
order and after verification of the facts whether the son
and daughter of the late Shri Ch.Narayana Murthy Raju
have attained the age of majority and have become independent
in accordance with the rules, take a proper decision regarding
the grant of full family pension to the applicant within
a period of two months thereafter. If the applicant is
aggrieved by the outcome of the decision taken, the *Shre*
applicant will be at liberty to approach the Tribunal
for the appropriate relief.

A. V. Haridasan
(A. V. HARIDASAN)
Member (Judicial)

Dated::12th August,1994

Dictated in the open court

mvl

Am/28/94
DEPUTY REGISTRAR(J)

Copy to:

1. The Chief Engineer, Headquarters, Southern Command, Engineers Branch, Pune - 411 001.
2. The ~~xx~~Chief Controller of Defence, Accounts, (Pensions) Allahabad.
3. The Garrison Engineer, Naval Base, Gandhigram, Naysenbagh, Vizag.
4. One copy to Mr.K. Vinay Kumar, Advocate, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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Typed by ✓
Checked by ✓

Compared by ✓
Approved by ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIOSAN: MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 12.8.94

ORDER/JUDGMENT.

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

in
O.A.NO. 647/94

T.A.NO. (W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Dismissed of with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

