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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

OA No. 1006/1995

Date of Decision: 21.2.1997

BETWEEN:

Smt. A. Narasamma

.. Applicant

AND

1. The Union of India Rep. by the Secretary,
Department of Telecommunications,
Sanchar Bhavan, New Delhi-110001.
2. The Chief General Manager,
Telecommunications, A.P. Circle,
Hyderabad-500001
3. The General Manager,
Telecommunications,
Hyderabad area at Secunderabad-500003.
4. The Telecom District Manager,
Nellore - 524050
5. Smt. Arava Elesamma.
6. Sri Arava Venkateswarlu
7. The Mandal Revenue Officer,
Venkatagiri, Nellore district. .. Respondents

... v.v.s. Murthy

Counsel for the Respondents: Mr. K. Bhaskar Rao

CORAM:

THE HON'BLE MR. H. RAJENDRA PRASAD: MEMBER (ADMN.) *[Signature]*

(PER HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.))

Heard Sri T.V.V.S. Murthy for the applicant and K. Bhaskar Rao, Addl. standing counsel for the respondents.

The applicant is the widow of Sri A. Prakasam, Lineman, Venkatagiri Telephone Exchange in Nellore Telecom Division. The said Sri Prakasam met with an un-natural death in a fire accident on 31.7.94. Some of the terminal benefits like DCRG, CGEGIS and encashment of leave are stated to have been settled in favour of the mother of the deceased employee on the strength of her claim of being the sole surviving legal representative of her husband. It is the fact that the applicant, who claims to be the legally-wedded wife of the deceased employee, is still alive. It is stated by the applicant that she and her husband had been living separately owing to some differences. The marriage was, however, not legally annulled or dissolved at any stage. While this was the position, it has been alleged that Sri Prakasam had taken another female-partner who, incidentally, is said to have perished along with him in the accident. It is not clear as to whether the deceased employee had properly contracted a second marriage within his life time, or whether such marriage, if solemnised, was legal at all. That, however, is not the point at issue in this case. Certain amounts seem to have been settled in favour of the applicant's mother-in-law in violation of rules and the facts of the case, possibly on false claims. It is also noticed that Prakasam had duly indicated the name (among other members of the family) of the present applicant as his wife while undertaking an LTC journey in 1983. The respondents are unable to explain this adequately except stating in their counter-affidavit that this was a stray entry and cannot ipso facto establish the relationship of the applicant with the deceased employee (para-6, page-3 of the counter affidavit).

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It has now been stated on behalf of the applicant that Smt. Ellesamma, the mother-in-law of the applicant, who had received payments towards settlement of some of the terminal benefits of Prakasam, is now prepared to permit her daughter-in-law, the present applicant, to draw the remaining benefits which are yet to be settled, provided that she is not called upon to refund the amounts already paid to her. This is an aspect ^{with} which the Tribunal is in no way concerned. ~~It is a problem to be sorted out between the two ladies and the department.~~

Strictly in terms of the OA and facts of the case, it is held that the applicant is entitled to receive all terminal benefits due to the late Sri. Prakasam.

Her claim shall have to be settled on the basis of the position as stated above with a proviso that the respondents are free to conduct any enquiry that may be considered necessary to enable ^{them} to re-establish this obvious position. In doing so, it would be necessary to take note of the proof - stated to have been produced by the applicant, e.g., the voters list showing her particulars, and such other documents or record produced by her, or otherwise available - which may be relevant to the facts. (In this connection it is stated that she had earlier submitted a ration card to the respondents in support of her claim). It needs to be noted in this context that a voters' list is held to be a document constituting a reliable proof in such cases. (CAT, Calcutta Bench OA 260/88 SLJ 1996 (I)-66).

It is, therefore, directed that the claims of the applicant be examined afresh and necessary action taken to sanction to her the terminal benefits to which she is entitled and found eligible. This should be done within 180 days from

to-day. It is for the department to determine or decide what administrative and other measures are required to be taken to comply with this direction.

The applicant has also prayed for consideration of her case for a suitable compassionate appointment.

Respondents shall duly examine her claim in this regard as per law and rules and communicate a suitable decision within 120 days from today.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 21ST FEBRUARY 1997

KSM

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Deputy Registrar (D)

O.A.1006/95

To

1. The Secretary, Union of India,
Dept.of Telecommunications,
Sanchar Bhavan, New Delhi-1.
2. The Chief General Manager, Hyderabad-1
3. The General Manager, telecommunications,
Hyderabad Area at Secunderabad-3.
4. The Telecom Dist.Manager, Nellore-050.
5. One copy to Mandal Revenue Officer,
Venkatagiri, Nellore Dist.
6. One copy to Mr.T.V.V.S.Murthy, Advocate, CA¹.Hyd.
7. One copy to Mr.K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One copy to D.R.(A) CAT.Hyd.
10. One spare copy.

11) one copy to HRRP. M(A) CAT Hyd.
pvm.

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I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 21-2-1997

~~ORDER~~ JUDGMENT

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

in

O.A.No. 1006/95

T.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

