

(98)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.129 of 1995

DATE OF ORDER: 7.6.96

BETWEEN:

CHILAKA DEENAMMA

.. Applicant

and

1. Union of India represented by
the General Manager,
South Central Railway,
Secunderabad,

2. The Divisional Railway Manager,
Personnel Branch,
S.C.Railway,
Vijayawada.

.. Respondents

COUNSEL FOR THE APPLICANT: Smt. V.BALA RANI

COUNSEL FOR THE RESPONDENTS: SHRI V.RAJESWARA RAO

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

None for the applicant. Heard Shri V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA claims that she is the wife of one late Chilaka Devadanam who worked as Gangman/BPP in the respondents' office from 30.8.62 to 8.11.82. The husband of the applicant died on 8.11.82 while in service. The applicant further claims that she is the sole legal heir and successor to her late husband. It is further stated that an Ex-gratia amount of Rs.150/- was accorded to her in terms of the letter No.B/P.526/Ex.Tr./1664, dated 1.3.90. She applied for the

(1)

29

2

final settlement benefits of late Ch.Devadanam by various representations quoted in para 4.3 of the application. It is the further submission of the applicant that those representations were not replied.

3. In view of the above, she has filed this OA praying for a direction to the respondents to release Gratuity, Provident Fund, Family Pension, Ex-gratia and all other terminal benefits to which the applicant's late husband Shri Ch.Devadanam, Gangman/BPP is entitled.

4. The respondents do admit that the husband of the applicant did work as Gangman under PWI, Bapatla from 30.8.62 to 8.11.82 when he expired while in service. It is further stated in the reply statement that no Ex-gratia payment was accorded to the applicant. By the letter No.B/P.526/Ex.GR/1664, dated 20.7.90 she is advised that she is not entitled for Ex-gratia payment as the applicant's husband ~~was~~ ^{was} a pension optee. The respondents also denied of having received several representations right from 1.8.90. They further submitted that the application for grant of Ex-gratia payment was received by them on 23.12.89 and she was advised of the position as quoted above. The settlement dues, death-cum-retirement gratuity, Group insurance, Provident Fund balance were ~~arranged~~ ^{paid} to one Shri Ch.Yesurathnam in terms of the letter No.B/P.500/D/230, dated 16.7.84 (Para 5 of the reply) by placing reliance on the succession certificate granted ^{in his favour} by the Court of Principal Munsiff Magistrate, Tenali on 17.4.84 (Annexure

D

30

R-I). They further stated that there are no records to come to the conclusion that the applicant applied for pensionary benefits of late Shri Ch.Devadanam. The respondents also stated that the pensionary benefits as indicated above were granted to Shri Yesuratnam on the basis of the succession certificate and on the basis of the copy of the divorce letter given by the applicant to Shri Devadanam. As no other claimant came forward as successor to Shri Devadanam, the final settlement made to Shri Yesuratnam is in order and it was the direction of the court in the succession certificate.

5. In view of the above, the respondents submitted that the applicant at this stage cannot claim for any pensionary benefits due to her late husband Shri Ch.Devadanam. Further, the pensionary benefits except family pension had already been disbursed on the basis of the valid document submitted by Shri Yesuratnam.

6. The learned counsel for the applicant submitted that the divorce certificate enclosed by Shri Ch.Yesuratnam has no legal sanction. Further, she also submits that the succession certificate was issued without her knowledge and hence the said succession certificate is not valid in the eyes of law. The learned counsel for the applicant also submitted that the applicant's husband has nominated her as beneficiary for getting necessary benefits and it is in the office records.

1

(31)

7. The case was heard at length. An order was issued on 20.2.96 directing the respondents to give a copy of the reported divorce certificate to the learned counsel for the applicant for perusal and making further necessary submission. A further direction was also given to R-2 in this OA to check up whether any communication was given by the applicant's husband late Devadanam for issue of passes and provident fund nomination and produce the records for perusal. The above records were produced and we do not find any nomination given by the late Shri Devadanam in favour of the applicant. That record also was shown to the learned counsel for the applicant. When a succession certificate ^{already} has been issued, it is for the Court to nullify that certificate and issue a fresh certificate if the applicant is the legal heir, ~~while issuing the earlier certificate~~. The eligibility of the applicant to get the succession certificate is also to be looked into by the competent court. Hence, it was suggested to the applicant that she may approach the competent court for getting necessary succession certificate and after getting the succession certificate she may approach the respondent authorities for necessary relief as claimed in this OA.

8. The learned counsel for the applicant fairly submitted on 19.4.96 that she will apply for succession certificate to the competent court and will produce the same to the respondents in this connection. She further submitted that she will consult her client in regard to applying for the succession certificate and submit today.

D

(34)

But today the learned counsel for the applicant was not present. I do not see any reason to give any further time in this connection as the case hinges only on production of a proper succession certificate in favour of the applicant.

9. In view of what is stated above, the OA is disposed of with the following direction:

The applicant if so advised may approach the competent judicial forum for obtaining a succession certificate in her favour to prove that she is the ^{legal} heir of late Ch.Devadānam. If such a succession certificate is produced by her, R-2 should take further action in accordance with law.

10. The OA is ordered accordingly. No costs.

me
(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 7th June, 1996
Open court dictation.

Prashant
Dy. Registrar (Jad)

vsn

Copy to:-

1. The General Manager, South Central Railway, Union of India, Secunderabad.
2. The Divisional Railway Manager, Personnel Branch, S.C.Railway Vijayawada.
3. One copy to Smt. V.Bala Rani, advocate, SAT, Hyd.
4. One copy to Sri. V.Rajeswara Rao, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.

Rsm/-

24/6/96
07-129/45

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 7/6/96

ORDER/JUDGEMENT

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

D.A. NO.

IN
129/45

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

No Spare Copy

