

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.1504 OF 1995.

Between

Dated: 23.4.1996.

Smt. Jangala Rathnamma

...
And

Applicant

1. The General Manager, S.C.Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, S.C.Railway, Railnilayam, Sec'bad.
3. The Senior Divisional Personnel Officer, S.C.Railway, Guntakal.
4. The Divisional Railway Manager, S.C.Railway, Guntakal,

... Respondents

Counsel for the Applicant

: Sri. S.Ramakrishna Rao

Counsel for the Respondents

: Sri. C.V.Malla Reddy, Addl. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

(10)

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O.A. 1504/95.

Dt. of Decision : 23-04-96.

ORDER

1. As per Hon'ble Shri R. Rangarajan, Member (Admn.)

The applicant in this OA submits as follows:-

She is the wife of one Late Mr. J.B.Dias who joined in railways as Class-IV in the Loco Shed and he married the applicant on 6-7-68. Through him she gave birth to two sons and a daughter. The said J.B.Dias died on 11-10-89 while working as Shunter in SC Railway, Gecty. The applicant requested the authorities concerned for paying her family pension and other terminal benefits due to death of her husband. But those claims were not paid to her reportedly because of some counter claims.

2. Aggrieved by the non-payment of the family pension and other terminal benefits due to her husband she has filed this OA praying for a direction to the respondents to release to her all the settlements dues pertaining to the deceased employee ignoring the claim of his sister Smt. Mary Dias.

3. The learned standing counsel submitted that the ex-employee had died on 11-10-1989 and this OA is filed on 5-12-95 and hence this claim is debarred by limitation. It is very strange to note this contention. Family pension is a continuing one and the final terminal benefits were earned by the ex-employee and it has to reach his heir. There can be no time bar so far as the relief prayed for is concerned and hence this contention has got no substance and hence rejected.

4. The second contention of the respondents is that the said Mr. J.B.Dias has not nominated anybody even for receiving his PF and hence the applicant could not be paid both the family

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pension as well as the final terminal benefits of the deceased employee. The learned counsel for the respondents further brought to my notice the letter of the Sr.Divisional Accounts Officer, Guntakal Division addressed to R-3 vide letter No.P-541/GTC/PF/Nomination dated 14-03-1990. From the above letter it appears that the nomination of the applicant for settlement of PF amount was returned back by the Accounts office stating that the nomination was not routed through proper channel and was not accepted by the concerned officers in the personnel Branch. The learned counsel for the applicant submits that the nomination through dated 16-09-80 was not accepted even in March 1990. When a nomination is not accepted in time it should be deemed to have come into force. No rule has been produced to the effect that if the acceptance of nomination is delayed it will come into force automatically as contended by the learned counsel for the applicant. R-3 for some reasons or other had not accepted the nomination. In the absence of any valid nomination the applicant cannot claim the relief as asked for. However, she is entitled for the relief asked for if she produces the valid succession certificate from a competent Court.

5. It is seen from the OA that one Smt. Mary Dias sister of the applicant's husband had also claimed the terminal benefits of the deceased employee. In view of the above counter claim the Sr.Divl. Personnel Officer, Guntakal (R-3) had addressed both the said Smt. Mary Dias and the applicant to furnish succession certificate. The quantum of the final settlement dues of the deceased employee had also been indicated in the letter No.G.P.500/III/B-277 dated 24-07-1990 referred to above. But it appears that no valid succession certificate has been submitted by any one of

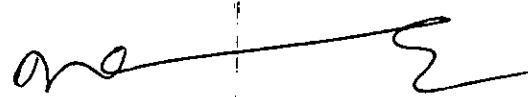
them so far. The learned counsel for the applicant submitted that Smt. Mary Dias is unnecessarily prolonging the case with a view to obstruct the applicant to get the succession certificate. If so, it is for the applicant to take up this case in the appropriate Court ⁱⁿ ~~expeditiously~~ ^{disposal}. Unless the valid succession certificate is produced the applicant cannot claim any relief in this OA.

6. The learned counsel for the applicant produced some documents purported to show that she is the wife of the deceased employee and hence she is entitled for the terminal benefits and family pension. But those letters produced did not provide any clue to come to the conclusion that she is the wife of the deceased employee and hence the apparent heir to claim the benefits. In view of the above the only way to resolve the dispute is for the applicant to produce the valid succession certificate ^{from} ~~for~~ a competent Court and if such a certificate is produced, R-3 should settle the claim of the applicant in regard to payment of family pension and other terminal benefits due to the deceased employee.

7. In the result, the following direction is given:-

R-3 should arrange to pay the applicant family pension and other terminal benefits of the deceased employee in accordance with rule if she ^{produces} ~~produces~~ the valid succession certificate from the competent Court.

8. The OA is ordered accordingly at the admission stage itself. No costs.


(R. Rangarajan)

Member(Admn.)

Dated : The 23rd April 1996.
(Dictated in Open Court)

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Copy to:-

1. The General Manager, S.C.Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, S.C.Railway, Railnilayam, Secunderabad.
3. The Senior Divisional Personnel Officer, S.C.Rly, Guntakal.
4. The Divisional Railway Manager, S.C.Railway, Guntakal.
5. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
6. One copy to Sri. C.V.M. Reddy, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rem/-

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 23/4/96

ORDER/JUDGEMENT

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

IN

D.A. NO. 1504/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

No Spare Copy

