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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1490/96

dt.7-8-97

Between

Smt. P.S. Vijaya Lakshmi : Applicant

and

1. Airforce Record Officer
Subroto Park
New Delhi 110010

2. Dy. Controller of Defence Accounts
Pension Disbursing Office
Sena Bhavan, New Delhi 1

3. Officer-Commanding
Pen-Wing II, AOIC, AF Records
Secunderabad

4. Defence Pension Disbursing
Officer, Masab Tank
Hyderabad 500 028 : Respondents

Counsel for the applicant : V. Venkateswara Rao
Advocate

Counsel for the respondents : V. Bhimanna
Addl. CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

OA.1490/96

dt.7-8-97

Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member (Admn))

Heard Sri V. Venkateswara Rao for the applicant and Sri V. Bhimanna for the respondents.

1. The husband of the applicant was discharged from the Air Force in April, 1974, and passed away in March, 1995. He had four daughters from his first wife who predeceased him in March 1977. Thereafter he married the younger sister of the deceased wife in March, 1978. At present the survivors in the family of the deceased employee comprise the applicant, who is the second wife, and four daughters from the first wife. The applicant is not in receipt of any family pension. It is explained by Mr. V. Bhimanna that no family pension could be sanctioned in this case as there is no indication in the official record regarding the demise of late Surendranath's first wife or his subsequent marriage to the applicant. The name of the deceased first wife is still shown as the sole nominee.

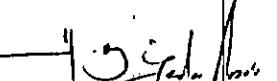
2. Mr. Bhimanna states that the applicant has been asked to submit a Succession Certificate to facilitate processing of the case for family pension. Mr. Venkateswara Rao denies receipt of any such communication from the respondents. The resultant situation is that the family has not produced a valid document which is required for finalisation of the family pension because, according to the applicant, she has not received any such communication. The respondents are, on their part, awaiting submission of a proper Succession Certificate to further process the case.

Q/18

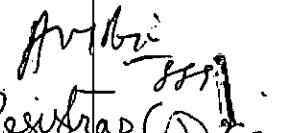
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3. In order to break the ~~dead~~ stalemate and with a view to alleviate the continuing distress of the members ^{family} surviving of the late employee it is directed that the respondents process the case of the applicant for grant of Family Pension payable from this month, i.e., August, 1997, and continue to pay the same for the next one year by obtaining an undertaking, if necessary, from the claimants that they shall refund the amounts paid to them in case it is found inadmissible. As regards arrears of family pension from the date of the demise of the employee till 31-7-1997, the same shall be calculated and released on submission of a proper Succession Certificate by the applicant on or before First September, 1998.

4. Thus, the OA is disposed of at the admission stage.


(H. Rajendra Prasad)
Member (Admn.)

Dated : August 7, 97
Dictated in Open Court


Deputy Registrar (O.C.)

sk

O.A.1490/96.

To

1. The Airforce Record Officer,
Subroto Park, New Delhi-10
2. The Deputy Controller of Defence Accounts,
Pension Disbursing Office,
Sena Bhavan, New Delhi-1.
3. The Officer-Commanding
Pen-Wing II, AOIC, AF Records, Secunderabad.
4. The Defence Pension Disbursing Officer,
Masab Tank, Hyderabad-028.
5. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
7. One copy to HHRP.M.(A) CAT.Hyd.
8. One copy to D.R.(A) CAT.Hyd.
9. One spare copy.

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~~urgent~~
~~8/8/97 to section~~

~~9/8/97~~
~~3/9/97~~
~~T COURT~~

Received
on 8/8/97

at 12.55 PM

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 7 - 8 - 1997

ORDER/JUDGMENT

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

in

O.A.No. 1490/96

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.

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