

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / ~~MA~~ / ~~DA~~ / ~~CP~~ / ~~MA~~ / ~~DT~~ 1299 of 1997

..... Laxmi Bai Applicant(s)

Versus

..... The General Manager Respondent(s)
OFP. Yeddu馬拉隆 Meher

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders	—	1
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Orders in MA (s)	—	
Orders in (Final Orders)	1-10-97.	38 to 42

Certified that the file is complete
in all respects.

22/10/97
Signature of
Dealing Hand
(In Record Section)

Signature of S.O.

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A.No. 1299 of 1997.

Laxmi Bai

Applicants(s).

V E R S U S.

The General Manager Ordinance Factory Project
Yeddumailaram - Medak

(Respondents).

Date	Office Note	ORDER
------	-------------	-------

1.10.97

Hear Mr. S. Ramakrishna Reddy
learned Counsel for the Applicant.
None for the respondents.

The OA is disposed at
the admission stage as per order
on separate sheet.

HHRP
M(A)

KSM

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: BENCH HYDERABAD.

ORIGINAL APPLICATION NO. 1299 OF 1997.

Laxmi Bai

(Applicants(sS))

VERSUS

~~Union of India, Repd. by~~

Genl. Manager;

ordnance factory

Yeddu mataram Respondents(sS(S))

The Application has been Submitted to the Tribunal by Shri

Shri S. Ramakrishna Rao Advocate/~~Party~~

~~in person~~ Under Section 19 of the Administrative Tribunal Act. 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal(procedure) Rules 1987.

The application is in order and may be listed for Admission

No.-----

Scrutiny 19/9/97

[Signature]
DEPUTY REGISTRAR(JUDL).

10. Is the application accompanied IPO/DD, for Rs.50/-.
11. Have Legible copies of the annexure duly attested been filed.
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done properly.
14. Has the declaration as a required by item No. 7 of form, I been made.
15. Have required number of envelopes (file six) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought form arise out of single cause of action.
(b) Whether any interim relief is prayed for.
17. In case an Ma for commutation of delay in filed, it supported b an affidavit of the a illicant.
18. Whether t is cause ben hearded by a single bench.
19. Any other points.
20. Result of the scrutiny with initial of the scrutiny clerk.

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3104

Report in the Scrutiny of Application.

Presented by SRK Rao Date of presentation.

Applicant(s) PL Bai

24/9/97

Respondent(s) GM. Of (Nadak) Yaddur
Maitaram

Nature of grievance Pensionary Benefits

No. of Applicants 1 No. of Respondents 1

CLASSIFICATION

Subject... Pensionary Benefits No. (L) Department Defense (NO 12)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). 57
2. Whether name description and address of all the parties been furnished in the cause title. 57
3. (a) Has the application been fully signed and verified. 57
(b) Has the copies been duly signed. 57
(c) Have sufficient number of copies of the Application been filed. 57
4. Whether all the necessary parties are impleaded. 57
5. Whether English translation of documents in a Language, other than English or Hindi been filed. 57
6. Is the application on time, (see section 21) 57
7. Has the Vakalatnama/Memo of appearance/Authorisation been filed. 57
8. Is the application maintainability. (U/S. 2, 14, 18, or U/R. 3 Etc.,) 57
9. Is the application accompanied, duly attested legible copy been filed. 57

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD Bench: HYDERABAD

INDEX SHEET

O.A.No. 1299 of 1997.

CAUSE TITLE Laxmi Bai

V E R S U S

The G.M. Ordinance factory Project Yeddumailaram
Medak

SL.NO.	Description of Documents	Page No.
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2.	Material Papers	9534
3.	Vakalat	one
4.	Objection Sheet	—
5.	Spere Copies	one
6.	Covers	one

(i) Pensionary benefits

Reg:- To set aside the order dt. 10.6.97 and direct the Respondent to release all pensionary benefits to the applicant

: PAGE NO. 10 :

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT: HYDERABAD.

O.A. NO: 1299 OF 1997

Defence

BETWEEN:

Laxmi Bai

APPLICANT

A N D

The G.M Ordnance Factory Project Cmeda
Supt. of Post Office,
Mahabubnagar Division, Mahabubnagar.

Yeddu moularam

CHRONOLOGICAL STATEMENT OF EVENTS

Sl.No: Date:

E V E N T S

1. 16.7.96 The applicant's husband met untimely death leaving behind the applicant and her three children.
2. 26.8.96 The applicant intimated the death of her husband to the Respondent.
3. 5.9.96 The Respondent had sent-in a condolence message to the applicant condoling the death of her husband.
4. 13.9.96 The Respondent had forwarded the blank forms for compassionate appointment.
5. 7.10.96 The Respondent had forwarded the required applications for release of CGEGIS/BPF which were filled and submitted to the Respondent.
6. 9.11.96 The applicant had forwarded all the relevant documents duly filled-in with the Respondents.
7. 26.3.97 The applicant executed the affidavit.
8. 4.2.97 The applicant made representation to Respondent for appointment on compassionate grounds.
9. 25.4.97 The applicant had once again requested to release the benefits accrued to her deceased husband.
10. 10.6.97 The Respondent had issued a joint letter to the applicant as well as the mother of the deceased to produce the Succession Certificate.
11. 2.7.97 The applicant got a legal notice issued to the Respondents to settle the terminal benefits of the deceased employee.

As such the applicant has no other alternative except to approach this Hon'ble Tribunal, had filed this application before the Hon'ble Tribunal.

Hyderabad
30.8.1997

COUNSEL FOR THE APPLICANT.

contd.....



Recd
26/9/97
B.N.R. Dny
m

3

:PAGE NO. 9 :

APPLICATION FILED UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNALS
ACT, 1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

O.A. NO: 1299 OF 1997

BETWEEN:

Laxmi Bai

APPLICANT

A N D

The G.M., Ordinance Factory Project (Medak),
Yeddumailaram-502205.A.P.

RESPONDENTS

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4.	Condolence message DO No.07/066/CB dated 5.9.1996 of the Respondent	III	11
5.	Memo No.07/082/LB dt.13.9.96 of the Respondent.	IV	12
6.	Representation of the applicant dated 9.11.96 of the Respondent enclosing the documents.	V	13-22
7.	Memo No.06057/TO/OFFM dt.7.10.96 of the Respondent enclosing the documents	VI	23-27
8.	Copy of affidavit executed by the applicant dated 26.3.1997	VII	28-30
9.	Representation of the applicant dated 4.2.1997 to the Respondent	VIII	31
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11.	Legal Notice dated 2.7.1997 issued to the Respondents.	X	33-34

Hyderabad
30.8.1997

SIGNATURE OF THE APPLICANT

COUNSEL FOR THE APPLICANT.

FOR USE IN TRIBUNAL'S OFFICE:

Date of Receipt:

Registration No.

Signature
for Registrar.

contd.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT: HYDERABAD

D.A. No. 1299 of 1997

BETWEEN:

Smt. Laxmi Bai, W/o. late P. Venkatesh,
Ex. Labourer (S.S.) (Per. No. OFFU/829-3),
Ordinance Factory Project, Yeddumailaram,
Medak District, R/o. H. No. 23-5-224, Aryasamaj,
Shalibanda, Hyderabad-500 065...

APPLICANT

A N D

The General Manager,
Ordinance Factory Project, (Medak),
Yeddumailaram-502 205..

RESPONDENT

DETAILS OF THE APPLICANT:

Address for service of summons/
notices on the applicant: SANKA RAMA KRISHNA RAO
ADVOCATE, 1-8-539/C,
II Floor, Chikkadpally,
HYDERABAD. 20.

1. Particulars of the order against which the application is made: "This application is against the impugned order No. 07/001/LB dated 10.6.1997 of the Respondent, disputing payment of terminal benefits on the demise of the husband of the applicant herein by deliberately delaying the payment of pension and pensionary benefits to the detriment of the interests of applicant.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which she wants redressal is within the jurisdiction of the Tribunal u/s. 14(1)(b)(ii) of the Administrative Tribunals Act, 1985.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section 21(1)(a) of the Administrative Tribunals Act, 1985.

contd.....

Lt. of
Laxmi Bai

4. FACTS OF THE CASE:

(1) It is respectfully submitted that the applicant's husband was employed as Labourer (SS) in the Respondent's Organisation, with personnel No.OFFPM/829-3-3. The said husband of the applicant met with untimely death on 16.7.1997. The late husband of the applicant had rendered regular service of more than 7 years in Ordnance Factory of Medak and had become eligible, as per rules for pension and pensionary benefits. On the demise of the applicant's husband, the Respondent had sent-in a condolence letter vide DO No.07/066/LB dated 5.9.96 regretting the untimely death of the Applicant's husband, who had rendered loyal service in their organisation for more than 7 years.

2. I further submitted that the Applicant's husband during his course of employment had submitted family particulars to the organisation, in which he had declared the particulars of the applicant as wife with 3 children born to her. This nomination subsists even today, as it was never changed as there are no such occasion that allows, as the Applicant's husband was residing with the applicant and there are no allegations against the Applicant's husband. As the organisation knows that the deceased husband of the applicant was survived by the applicant (only wife) and 3 children, the Respondent vide his letter No.07/082/LB dated 13.9.1996 forwarding therewith the requisite declaration forms both for family pension as well as compassionate appointment. The applicant promptly submitted the documents that were sent to her duly filled-in and signed for all the entitlements of her husband, including CGE-GIS/GPF etc., alongwith her Identification Cards, vouchers by affixing revenue stamp etc on 9.11.1996. In addition to this, the Respondent vide his Letter No. 06/057/TO/OFFPM dated 7.10.1996 had forwarded to the applicant the following documents for her signature for the purpose of settlement of pension and pensionary benefits.

contd...

1. Application (Form-No.4)
2. Final Appeal of CGEGIS and relevant documents
3. Final Appeal of GPF and
4. GPF in lieu of Form 10-B

The Respondents in the above documents had specifically mentioned the dependents of the deceased husband of the Applicant showing the applicant and her children and his father and mother. The applicant had applied with the requirements as per the above communication. The Respondent having obtained all the documents, had been insisting on the affidavit of the applicant to narrate the events that had taken place from the date of death of her husband. In order to make the things clear, the applicant had executed an affidavit on 26.3.1997 duly notarised. This document is self-explanatory and there was no need for calling for any other particulars from the applicant. When there was no response from the Respondent, the applicant had been representing to the Respondent on 14.2.1997 and 25.4.1997 to release the pension and pensionary benefits of her deceased husband as she had been left with no source of income and had been leading a very indigent life. In spite of these representations, there was no response from the Respondent, the applicant had caused a legal notice issued to the Respondents on 2.7.1997, calling upon them to settle the family benefits payable to the applicant due to death of her husband within a period of one month from the date of receipt of such a notice. Even the legal notice did not evince interest in the Respondents to settle the pensionary benefits of the Applicant's husband.

3. I further submitted that, when the rules clearly stipulate that as per the nomination submitted by the deceased employee, the wife/children are entitled for all the benefits of the deceased employee, there seems to be an attempt on the

Respondent to dispute the payment of terminal benefits to the applicant on some ground or other for extraneous reasons. In this process, he brought out the mother of the deceased employee and probably induced her to make representation on such representation illegally obtained, the Respondent had issued the impugned Order No.07/001/2B dated 10.6.1997, addressing both the applicant and the mother of the deceased calling upon them to produce Succession Certificate as heirs to the deceased employee. Though the matter was kept pending for months inspite of repeated requests the Respondent never interested for this. The demand for Succession Certificate was insisted only after the receipt of a letter from the applicant pointing out as harassment on a illiterate S.C.Widow. When there are no such Certificate warranted when the deceased employee was survived by a lone wife and children through her, the applicant apprehending that she will be deprived of the pension and pensionary benefits, due to the demise of her husband, has no other alternative except to approach this Hon'ble Tribunal seeking redressal of her grievance. Hence this application before the Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

1. It is respectfully submitted that the Respondent had recognised the loyal service of the applicant's husband, put in in the organisation for well over 7 years, which is borne by the condolence message issued by the Respondent. As per the records maintained by the Respondents, in pursuance of such declarations that too execute by the Government Servant, the applicant was forwarded with relevant documents for her executing with advanced stamped receipts etc., for settlement of the terminal benefits/pension and forwarded the relevant documents for execution by the Applicant employee testifies that she is only the nominee. As per Rule 54 of CCS (Pension) Rules 1972, the

contd.....



definition of the term family employee clarified that wife consisting of children borned of her is the component unit declared as family. The applicant is only wife having begotten 3 children through the deceased consists only family for release of terminal benefits, pension/pensionary benefits to the applicant. It is not open for the Respondent to induce others to claim for these benefits, especially the mother of the deceased, when the rules contemplate that the wife/children are only entitled for such terminal benefits. Therefore, the applicant is entitled for release of terminal benefits, pension/pensionary benefits of the deceased employee.

2. I further submit that the Respondent had forwarded the relevant application forms of the applicant for considering her for compassionate appointment pursuant her application dated 26.8.1996. This is another aspect where the Respondent had appeared to be considering the compassionate appointment of the applicant for any suitable post commensurate with her eligibility. She had even executed these application forms with a request to consider her candidature for any suitable post on compassionate grounds. There appears to be some under-ground activity of providing this compassionate appointment to one of the relatives of the deceased employee. When the applicant had protested against such move, the Respondent for the extraneous considerations had commenced harassing the applicant that fictitious objections for both, release of terminal benefits, pension/pensionary benefits, as well as appointment on compassionate grounds. The impugned order that was issued speaks about requirement of Succession Certificate of the deceased employee. As per the rules, which the Respondent is well aware that there is no need to call for Succession Certificate, when the legally wedded wife with children is established to be the sole Successors of the deceased employee. Therefore, the

contd.

b)

8. RELIEF(S) SOUGHT:

In view of the facts mentioned in para (4) above, the applicant prays for the following relief(s):

It is respectfully prayed that the Hon'ble Tribunal may be pleased;

(a) to set aside the impugned Order NO.07/001/LB dated 10.6.1997 of the sole Respondent, declaring the same as arbitrary, illegal, un-warranted, frivolous and in violation of Articles 14 & 16 of the Constitution, in addition to the rules prescribed under CCS (Pension) Rules, 1972;

(b) to direct the Respondents to release the terminal benefits, pension/pensionary benefits of her deceased husband with all consequential benefits;

~~(c) to direct the Respondent to appoint the applicant in any suitable post commensurate with her eligibility on compassionate grounds in any of the units of Ordnance Factory, with all the consequential benefits;~~

and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

9. INTERIM ORDERS IF ANY PRAYED FOR:

Pending final decision on the application the applicant seek the following interim relief:

It is humbly prayed that this Hon'ble Tribunal may be pleased to direct the Respondent to release the provisional pension to the applicant, who has to sustain herself and her 3 children as they are leading indigent life without any source of income what-so-ever, pending disposal of the OA and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the

contd.....

(14)

:PAGE NO. 8 :

10. NOT APPLICABLE:

11. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER filed in respect of the application fee:

1. D.D./P.O. No. 8 12 679585
2. Date: 18-8-97
3. Fee: Rs.50/-
4. Name of the office of issue: Chilledpally Po.
5. Name of the office payable at: GPO Hosa

12. LIST OF ENCLOSURES:

P.D.D./D.D. Remittance

Sl.No. Details of the documents

Annexure

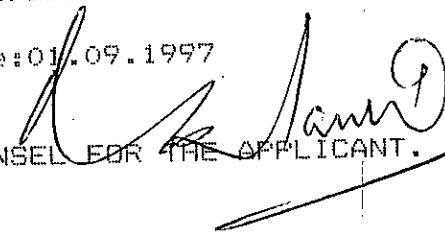
AS PER INDEX


VERIFICATION

I, Smt.Laxmi Bai, W/o. late F. Venkatesh, Ex.Labourer (S.S.) (Per.No.OFPM/829-3), Ordinance Factory Project, Yeddumailaram, Medak District, R/o.H.No.23-5-224, Aryasamaj, Shalibanda, Hyderabad-500 06, do hereby verify that the contents of paras 1 to 4 and 6 to 12 are true to the best of my knowledge and belief and para 5 believed to be true on legal advice.

Hyderabad.

Date: 01.09.1997


COUNSEL FOR THE APPLICANT.


SIGNATURE OF THE APPLICANT

Lt. of Lakshmi Bai

Am x 2

9 12

No. 07/001/LB

Government of India,
Ministry of Defence,
Ordnance Factory Project,
Yeddumailaram - 502 205
Medak Dist (A.P.).

Dt: 10-06-97.

To

Smt. P. Laxmi Bai,
H.No. 23-5-224,
Aryasamaj,
Salibanda,
HYDERABAD - 500065.

2) Smt. Rukmi Bai,
Tadlagadda (vil),
Mutaraipally (p.o)
Narasapur (Tq)
Medak Dist.

Madam,

In respect of payment of terminal benefits on the demise of Shri P. Venkatesh claims have been made by both of you. In such cases of disputes, according to Govt. instructions the terminal benefits can be disposed off on the basis of succession certificate issued by a court.

You are therefore requested to produce succession certificate.

- Yours faithfully;

Ashutosh Kumar
10/6
DY. GENERAL MANAGER / ADMIN
FOR GENERAL MANAGER.

Ry

Am x II

(10) (13)
21/8/96

General Manager,
Ordinance Factory Project
Ministry of Defence
Yaddu Mailaram.

Respected Sir,

Sub : Request for appointment on Compassionate Grounds.

...

My husband late Sri P.Venkatesh (Scheduled Tribes employee) was working in your factory in LMD Section. Due to bad vices, he used to spend all his earnings and he has not left even a single rupee for me. I am helpless and without a job. I have no other livelihood and I have no one to support me. So, I request you to kindly provide me a job on Compassionate Grounds to earn my livelihood.

Born as a Schedule Tribes I have suffered enough in my life due to bad vices of my husband and this is known to some of your Senior Officers of your Organisation, viz., Mr.M.M.Ahmed, Addl. General Manager of LMD and Sri P.Sahoo, Addl.General Manager (F). I used to work in their houses and they are aware of all the troubles I have faced. You can refer to them to know the problems I have faced as the wife of late P.Venkatesh and my poverty line.

Under these circumstances, I most humbly request your kindness to have a sympathetic attitude about my present position and help me to stand on my legs.


Thanking you, Sir

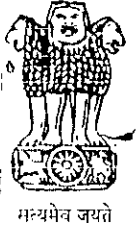
Yours faithfully,

From: Mrs.P.Lakshmi
H.No.23-5-224
Aryasamaj Salibunda
HYDERABAD-500065, A.P.

Left Thumb impression
of P.Lakshmi

I have personally visited your Admn. Office on 21.8.96 to hand over this application but I was asked to submit the application along with the proof of his death. I have obtained the certificate and a xerox copy of the same is enclosed.





जी.के. राव. भा.आ.नि.में
महा प्रबंधक

G.K. RAO, I.O.F.S.
GENERAL MANAGER

Amx III

भारत सरकार
रक्षा मंत्रालय,
भारतीय आयुध निर्माणियां,
ऑर्डनेन्स फैक्टरी प्रोजेक्ट, मेदक.
येदुमैलारम-502 205. (आ.प्र.)

Government of India,
Ministry of Defence,
Indian Ordnance Factories,
ORDNANCE FACTORY PROJECT, MEDAK
YEDDUMAILARAM - 502 205 (A.P.)

DO. No. 07/066/LL

Date: 5- SEP '90

To

Smt. P. Laxmi Bai
W/o. Late P. Venkatesh
H.No. 23-5-224
Aryasamaj Salibunda
HYDERABAD - 500 005 (AP)

Madam,

Sub:- CONDOLENCE.

I have learnt with deep sorrow of the sad and untimely demise of your husband Shri P. Venkatesh, Per.No. CFAM/829-3, Labourer(SS) on 10.07.90. Late Shri P. Venkatesh has rendered more than 7 years loyal service in Ordnance Factory Project, Medak and his memory will be cherished for a long time.

The employees of Ordnance Factory Project, Medak join me in conveying their heart felt condolences on the bereavement.

MAY HIS SOUL REST IN PEACE.

Yours Sincerely,

(G. K. RAO)
GENERAL MANAGER.

Am x IV
Legal

To

Smt. P. Lakshmi,
H.No. 23-5-224,
Aryasamaj Salibunda,
HYDERABAD-500065.A.P.

No. 07/082/LB

Government of India,
Ministry of Defence,
Ordnance Factory Proj.,
Yeddumailaram-502 205.
Medak District, A.P.

Dt. 13-09-'96.

Sub:- Request for appointment on Compassionate Grounds.

Ref:- Your application dated 26-08-'96.

...

In order to consider your request for appointment in Ordnance Factory Project, Medak, the enclosed forms may be returned duly signed the declaration and also obtain the signature of the witness who is an employee of this Organisation and well known to your family.

Please note that in the absence of the above, your request cannot be considered. *you are also advised to call on this office alongwith the above declaration.*

Encl: 2 sets of forms

A. Subrahmanyam
(A. SUBRAHMANYAM)
DY. GENERAL MANAGER / ADMIN
FOR GENERAL MANAGER

Rk

13 16

Amx 2

The General Manager
Government of India
Ministry of Defence
Indian Ordnance Factories
ORDNANCE FACTORY PROJECT, MEDAK
YEDDUMAILARAM - 502 205 (A.P)

Respected Sir,

Sub : Payment of CGEGIS / GPF final claims - Reg.
Ref : No.06/057/TO/OFPM ., dt 7.10.1996.

...

I offer my gratitude for your condolence message over the death of my husband Shri P.Venkatesh (Labourer SS). I am moved to see a person at the highest level caring so much for a family of a Labourer.

As desired by your office I have filled all the documents pertaining to the Payment of CGEGIS / GPF etc,. And now I am sending after getting attested by two Gazetted Officers.

Since I am an illiterate person I request you to see that all the amounts are paid by Crossed Cheque/Draft on any Bank of your choice.

Thanking you -

Yours faithfully,

Right hand thumb imp
impression

(P.LAXMI)
w/o Late P.Venkatesh
H.No.23-5-224
Aryasamaj Saliounda
HYDERABAD-500065(AP)

1/11/96

[Handwritten signature]

ANNEXURE 'C' OF C.G.D.A. LETTER No. A/11/14500/M-1/COI-TT DATED
12/14TH JANUARY 1982

Received a sum of Rs.....(Rupees.....
.....only) being the total entitlement of
Rs.....from the insurance fund/and/or/ Rs.....
Saving fund accrued to Sri.....
Ex.Per.No.....Designation.....
GROUP A/B/C/D under the Central Government Employees Group
Insurance Scheme 1980.

SIGNATURE OF RECEIPT:

NAME: P. J. JAYARAM

(BLOCK LETTERS)

PER.No. 629-3

FOR USE IN DEPARTMENTAL OFFICE

(a) Relevant Bio-data of the member:

(i) type of Group of the member (i.e. lowest group)
viz. D/C/B/A on initially joining the scheme
on.....

(ii) year of acquiring membership of higher group *

GROUP 'C'.....

GROUP 'B'.....

GROUP 'A'.....

(b) Countersigned for payment of Rs.....
(Rupees.....only)
to claimant(s) crossed cheque/demand draft to be issued in favour
of GM/OFFM.

ADDRESS:

SIGNATURE:

DESIGNATION:

DATE:

FOR USE IN PAY & ACCOUNTS OFFICE

Passed for payment of Rs.....(Rupees.....
.....only)

Payment through Cheque No.....dt.....

ACCOUNTS OFFICER

* delete whiever is inapplicable

GK/*

15

DECLARATION

I, Smt. P. Laxmi, W/o. Late P. Venkatesh, Ex.1umo.829-3 hereby declare that I am the only widow of the deceased Government servant (viz. late Shri P. Venkatesh), who has not survived either any widow (including widow who has been judicially separated from her husband or by any minor child/children from the other widow.

^

(P. LAXMI)

W/o. Late P. VENKATESH
Ex.P.No. 829-3

Witness:-

1. *[Signature]* 96.10.24
B.V.RAO
B.V.RAO
SECRETARY
ARYA SAMHS. 23-5-224
SHALIBANDA HYDERABAD-500065
I.M.NATH
ARYA SAMHS.
2. *[Signature]* 21/10/96
I.M.NATH
SHALIBANDA-23-5-224
HYDERABAD-500065



ATTESTED

(P. MOHANTY)
WORKS MANAGER (ADM)

[Signature]
DR. P. N. Vijaya Babu
DRUG INSPECTOR (HOMOPH)
Indian Medicines & Homoeopathy
HYDERABAD (A.P.)

[Signature]
SIG. OF AUTHORIZED OFFICER

NAME: Dr. L. Krishna Murthy
BAMS

DESIGNATION: Drug Inspector
Indian Medicines & Homoeopathy Dept
HYDERABAD-500065
SEAL

[Signature]

FORM - III

(16) (19)

FORM OF Application for the grant of the benefits under the Central Government Employees Insurance Scheme on the death of a Government Servant (To be filled in separately by each applicant

1. Name of the applicant : Smt. P. LAXMI
2. Name of the guardian in case of minor & Dt. of birth : Not applicable
3. Name of the deceased Govt. Servant : Shri P. Venkatesh, P.No.829 & Labourer(SS) LMS Section
4. Date of death of the Govt. Servant :
5. Office/Department/Ministry in which the deceased served last : Ordnance Factory Project Yeddumailaram, Madak (AP) Ministry of Defence
6. Relationship with the deceased Govt. servant : WIFE
7. Date of birth of the applicant : 14-7-1927
8. Full address of the applicant: *14-7-1927*
Hyderabad
9. Signature of thump impression of the applicant : *X*

(to be furnished in a separate sheet duly attested) (*to be furnished*)

10. Attested by:

1. *[Signature]* Dr. L. Krishna Murthy
D.V.M.S.
Indian Medicines & Homoeopathy
HYDERABAD (A.P.)
2. *[Signature]* DRUG. INSPECTOR (HOMOEOP)
Indian Medicines & Homoeopathy
HYDERABAD (A.P.)

11. Witness

1. *[Signature]* SECRETARY - ARYASAMAS
23-5-214 Sairamda
HYDERABAD - 500065
2. *[Signature]* 21/10/96
23-5-214 Sairamda
HYDERABAD - 500065

Attestation should be done by two Govt. Gazetted or two more persons of respect capability in the Town, village or Pargana in which the applicant resides.

SLIP SHOWING DESCRIPTIVE ROLL OF SMT. P. LAXMI,
W/o. LATE P. VENKATESH, EX.PER.No. 829-5/OFM
ORDNANCE FACTORY PROJECT, YEDDURTHILAM

Date of birth/age : 14-7-60

Height : 5' 4 1/2"

Identification mark : 11 FINGER BLOW 100
LOWER TIP

Signature/FHTI : N

(P. LAXMI)
W/o. Late P. Venkatesh
EX. No. - 829-5

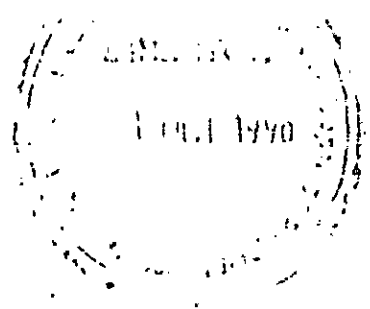
/ ATTESTED /

(P. MOHANTY)
WORKS MANAGER (ADMIN)

(Signature)

DR. P.N. Vijaya Balaram
DRUG. IT. (PHOTO)
Indian Medicines & Homeopathy
HYDERABAD (A.P.)

(Signature)
Dr. B. Krishna Murthy
BAMS
Indian Medicine & Homeopathy Dept
HYDERABAD (A.P.)



(Signature)

PHOTOGRAPH OF SMT. P. LAXMI, W/O. LATE SRI P. VENKATESH
EX.P.No. GPFM 829-3

Pass port
size PHOTO



RIGHT HAND THUMB
IMPRESSION OF PERSON
W/O LATE P. VENKATESH

ATTESTED

(P. LAXMI)
W/O LATE P. VENKATESH

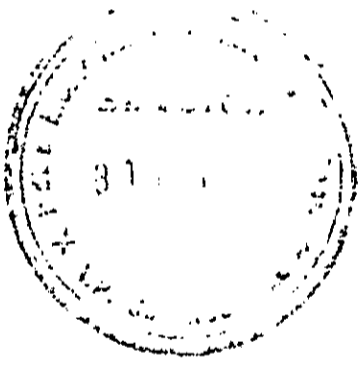
(P. ROHINI)
WORKER (ADMIN)

SIG. OF GOVERNED OFFICER

NAME - Dr. L. Krishna Murthy
B.A.M.S

DESIGNATION - Drug Inspector
Indian Medicine & Homoeopathy Dept
HYDERABAD-500 001.

SEAL :



DR. P. N. Vijaya Ramesh
DRUG. INSPECTOR (HOMOEOP)
Indian Medicines & Homoeopathy
HYDERABAD (A.P.)

IMPRESSION OF BALLS OF THUMB AND ALL FINGERS OF THE RIGHT
HAND IN RESPECT OF SMT. P. LAXMI, W/o. SRI LATE P. VENKATESH
PER.No. OF PM 829-3, ORDNANCE FACTORY PROJECT, YEDDUMALLURAM

Impression of balls
of thumb and all
fingers of the Right Hand
of P. LAXMI w/o Venkatesh

Impression of all balls of
Thumb and all fingers of
Right Hand of P. LAXMI
w/o Venkatesh

ATTESTED

Impression of all balls of
Thumb and all fingers of
Right Hand of P. LAXMI
w/o Venkatesh

(P. LAXMI)
Wife of Late P. Venkatesh

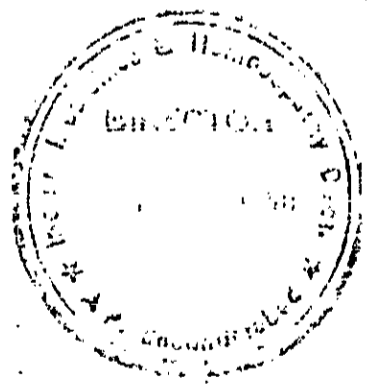
[Signature]

SIG. OF CANNIBED OFFICE

NAME: Dr. L. Krishna Murthy
B.A.M.S.

DESIGNATION: Drug Inspector
Indian Medicine & Homoeopathy Dept
HYDRABAD-500 001.

SEAL:



[Signature]

DR. P. N. Vijaya Krishna

DRUG INSPECTOR (HOMEO)
Indian Medicine & Homoeopathy
HYDRABAD (A.P.)

[Signature]

(20) (22)

To
The General Manager,
Ordnance Factory Project,
Yeddumailaram,
Medak (AP).

Sub: Application for payment of amount
due against GPF accumulation
GPF A/C.No.1304914.

--:0o0:--

Sir,

I hereby request that full amount due to late
Shri P. Venkatesh, Labourer (S/S), P.No.829-3(Ex) against the
Provident Fund Accumulation, may be paid to me.

Thanking you,

Yours faithfully,

Yeddumailaram
Date: /09/96.

(P.LAXMI)
W/o. Late Sri.P.Venkatesh
Labourer(SS) Ex.P.No.829-3

Personal marks of Identification and specimen signature ~~Left~~ Hand-Thumb and finger impression in respect of, Shri/Smt/Miss : R. J. HANU, W/O Late Dr. P. V. Adilaksh
Ex^{no} 7, 29 5 6 CH 6 Factory Project, Yedam
Mailaram.

1. Personal marks of Identification (2) ^{Right} Left hand thumb and finger impression (In the case of illiterate subscribers)

(a). Identification of marks

(b) ^{Right} Left hand thumb and finger impression

(i) RIGHT BELOW THE
LEAVE LIP

(1) RIGHT

(ii) RIGHT BELOW THE

(2) RIGHT

LEFT COLLAR-BONE

(3) RIGHT

3. Specimen signature of the subscriber (in the case of literature)

(i). RIGHT

(ii). RIGHT

(iii). RIGHT

Counter signed by

Place: Hyderabad

Signature

M. S. D. Krishna Murthy

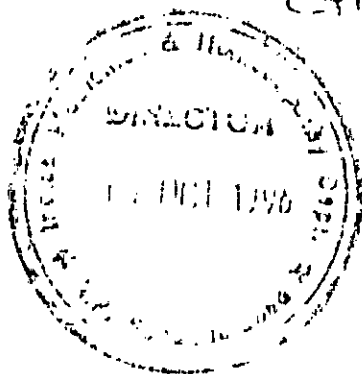
Name & Designation
of Gazetted Officer
with seal

Drug Inspector

Indian Medicines & Homoeopathy Dept.
HYDERABAD-500 001.

Date: 31/10/96

GAZETTED OFFICER.



DR. P. N. Vijaya Prasad

DR. P. N. Vijaya Prasad
DRUG INSPECTOR (HOMOEOP)
Indian Medicines & Homoeopathy
HYDERABAD (A.P.)

TH

Annex

REGISTERED WITH A/D

23

26

No. 06/057/TO/OFPM
Ordnance Factory Project
Yeddumailaram,
Medak Dist. - 502 205 (A.P.)

Date: 7th Oct 96

To

Shri/Smt. P. Lakshmi, W/o late Sri P. Venkatesh
H. No. 23-5-224
Arayamaj Sathuvula
Hyderabad. 500065 AP

Dear Sir/Madam,

Sub:- Payment of CCEGIS / GPF final claims

Please find enclosed herewith the following documents
for signature of the individual concerned.

- (a). APPLICATION (FORM NO. 4)
- (b). FINAL BILL OF CCEGIS & relevant documents
- (c). FINAL BILL OF GPF
- (d). GPF IN-LIEU OF FORM 13-B

The same may please be returned, duly signed in all
the papers where the "X" mark mentioned, to this office
at the earliest.

Yours faithfully,

(Mohan)
For General Manager

TH

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF
GOVERNMENT SERVANT DIED WHILE IN SERVICE/RETIRED
ON INVALID PENSION.

24 27

PART-I

01. a) Name of the deceased/retired: P. VENKATESH
on invalid pension.
b) Designation of the Employee : LAGAN (SS)
c) Date of Birth of the Employee: 16-03-1964
d) Date of Death/Retirement on : 16-01-1996
invalid pension.
e) Total Length of service : 7 years 4 months
rendered.
f) Whether Pt/Temporary : Permanent.
g) Whether belongs to ST/ST : ST.
02. a) Name of the candidate for : P. Lakshmi Bai
appointment.
b) His/Her relationship with the: Wife
Govt. Servant.
c) Date of Birth : 29 years
d) Educational qualifications :
e) Whether any other dependent : NO
has been appointed on
compassionate grounds.
03. a) Particulars of total assets :
left including amount of
Family Pension :
b) D.C.R. Balance :
c) G.P.F. Balance :
d) LIC & PLI Policies :
e) Movable and immovable :
property and annual income
earned there from by the
family :
f) C.G.E.G. Insurance amount :
g) Any other assets :
04. Brief Particulars of Liabili- ;
ties if any ;
05. Particulars of all dependents :
of the Govt. Servant (If some
are employed their income and
whether they are living to-
gether or seperately).

contd....2

25 28

SL NO	N A M E S/Shri	Relationship with the Govt. Servant and age.	Employed or not particulars of employment and emoluments.
1.	P. Lakshmi Bai	Wife 29 years	NO
2.	Ujjwal	Daughter 12 years	NO
3.	Rajni	Son 10 1/2 years	NO
4.	Manjula	Daughter 9 1/2 years	NO
5.	Bhaskar	Father	NO
6.	Rajni Bai	Mother	NO

DECLARATION

I hereby declare that the facts given by me above, are, to the best of my knowledge are correct. If any of the facts mentioned here are found to be incorrect or false at later date, my services may be terminated.

Dated: _____ Signature of the Candidate

Sat.....W/O Late.....

is known to me and the facts mentioned by him/her are correct.

Dated: _____ Signature of the Pt. Govt. Servant.
Name: _____
Designation: _____
Address: _____

I have verified the facts mentioned by the candidate above are correct.

(Signature of the Welfare Officer)
NAME: _____
Design: _____
Address: _____

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF
GOVERNMENT SERVANT DIED WHILE IN SERVICE|RETIRED
ON INVALID PENSION.

(26) (29)

PART-I

01. a) Name of the deceased/retired: P VENKATESH
on invalid pension.
b) Designation of the Employee : LAGUNER(SS)
c) Date of Birth of the Employee: 16-03-1964
d) Date of Death/Retirement on : 16-07-1996
invalid pension.
e) Total Length of service : 7 years 4 Months
rendered.
f) Whether Pt/Temporary : Permanent
g) Whether belongs to SC|ST : ST.
02. a) Name of the candidate for : PLAKHMI Bai
appointment.
b) His/Her relationship with the: Wife
Govt. Servant.
c) Date of Birth : 29 years
d) Educational qualifications :
e) Whether any other dependent : NO
has been appointed on
compassionate grounds
03. a) Particulars of total assests :
left including a mount of
Family Pension :
b) D.C.R.Balance :
c) G.P.F.Balance :
d) LIC & PLI Policies :
e) Movable and immovable
property and annual income
earned there from by the
family :
f) C.G.E.G. Insurance amount :
g) Any other assets :
04. Brief Particulars of Liabili-
ties if any :
05. Particulars of all dependents :
of the Govt. Servant (If some
are employed their income and
whether they are living to-
gether or seperately).

contd....2

NAME
S/Shri

Relationship with
the Govt. Servant
and age.

Employed or not
particulars of
employment and
emoluments.

29/30

1. P. Laxmi Devi	Wife	29 years	NO.
2. Sushila	Daughter	12 years	NO.
3. Raju	Son	10 1/2 years	NO.
4. Manjula	Daughter	8 1/2 years	NO.

DECLARATION

I hereby declare that the facts given by me above, are, to the best of my knowledge are correct. If any of the facts mentioned here are found to be incorrect or false at later date, my services may be terminated.

Dated:

Signature of the Candidate

Sat.....W/O Late.....

is known to me and the facts mentioned by him/her are correct.

Dated:

Signature of the Pt. Govt. Servant.

Name:

Designation:

Address:

I have verified the facts mentioned by the candidate above are correct.

(Signature of the Welfare Officer)

NAME:

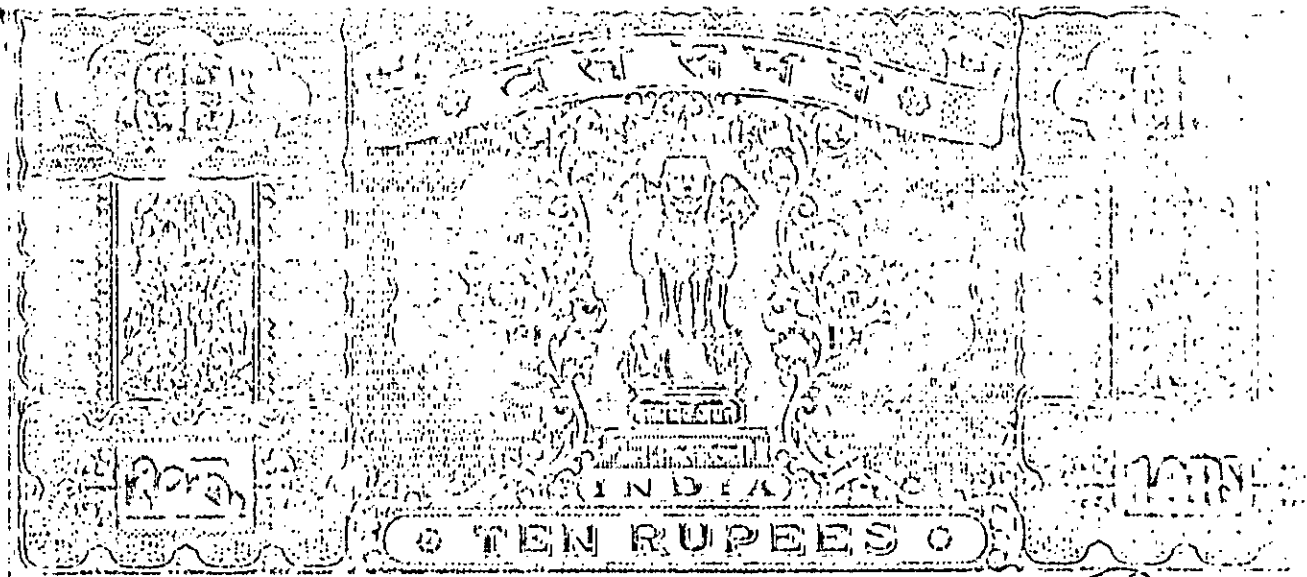
Design:

Address:

Amx Vji

31 28

10RS



No. 3676 Date 26/3/97

Purchaser... P. Venkatesh Pr. No. 829-3

Whom... P. Venkatesh

SMT. CH. SURESH C. M.
SVL. H. P. ...
STAMP ...
ECIL- ...

A F F I D A V I T

I, P. LAXMIPAT, W/o LATE SRI P. VENKATESH Per.No. CFPM/829-3
Certify the following facts.

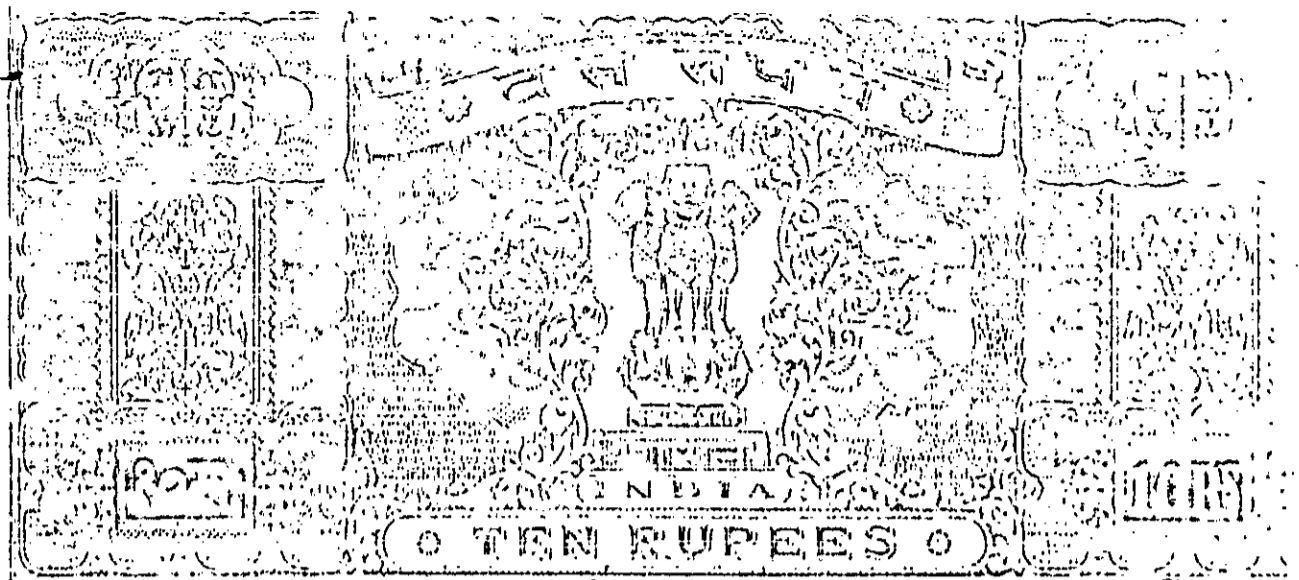
- 1) My husband P. Venkatesh Pr.No. CFPM/829-3 has rendered more than seven years of service in the ordinance factory project Medak.District.
- 2) On 21/8/96 I have personally visited your Admin. Office and I was asked to submit the proof of the death of my husband.
- 3) On 26/8/96 I have submitted the Proof of the death of my husband issued by Sub-Divisional Police Officer Sangareddy Dist., Medak. I have also given the names of the two Sr. Officers of your organisation (Addl. General Manager of IMD, Addl. General Manager (FI) who are know to me and the family.
- 4) I have received the condolance message dated 4/9/96 from Sri G.K. Rao, I.O.P.S. General Manager.
- 5) On 20/9/96 I have received a letter No. 07/082/LD, dated 13/9/96 from Dy. General Manager (Admin.) along with an application form for an appointment on compassionate grounds and I have submitted the forms duly stoned (R.H.T.L.).
- 6) On 9/10/96 I have received a letter from C.M.'s Office along with the forms for the payment CCEGIS/GPP Claims. Application Form No.4, final Bill of CCEGIS and relevant departments, Final bill of CPE, CPE-IN-HIPM-CP-FORM-10-B, and I was asked to sign in all the papers where the 'X' mark was mentioned by your office

NANDULA
NIVASARAO B.A., B.L.
NOTARY
APPOINTED BY THE
GOVERNMENT OF A.P.
CIP: BABATENTSHIRE CO.
NARAYANAGUDA,
HYDERABAD-500023.

26 MAR 1997

Contd..2..

(RTI 102-1)



No. 117
Date 26/3/97
Chaser P. Venkatesh Reddy
What? ...

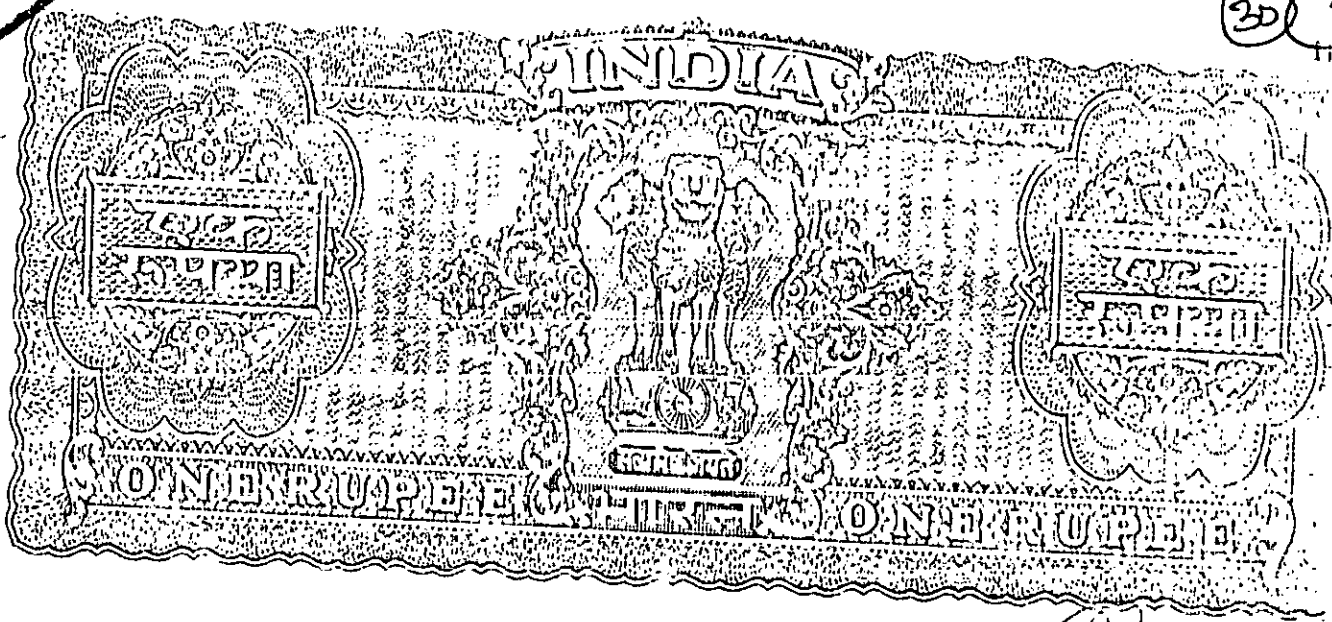
SMT. CH. SHIVA ...
SVL ...
ST ...
ECIL ...

// 2 //

- at the earliest, Accordingly I have submitted the following forms duly filled and signed (Right hand thumb impression) on 9/11/96.
- i) Self declaration duly attested by two Gazetted Officers.
 - ii) Forms of application for the grant of Central Govt. Emp. Insurance Scheme duly signed and attested by two Gazetted Officers.
 - iii) Slip Showing descriptive roll attested by two Gazetted Officers.
 - iv) Personal Photograph with R.T.H.I. (Right hand thumb impression) duly attested by two gazetted Officers.
 - v) Impression of Balls of Thumb and all fingers of the Right hand duly attested by two Gazetted Officers.
 - vi) Personal marks of Identification and specimen signature (R.H.T.I.) duly attested by two Gazetted Officers.
 - vii) R.H.T.I. (Right hand thumb impression) on a Blank Receipt with Revenue Stamp showing the receipt of money with regard to Annexure 'C' of C.G.D.A.
 - viii) R.H.T.I. with a revenue stamp on two Blank Printed receipts showing the receipt of money.
 - ix) I was asked by your Office to pay the IP Bill (Licence Fee and Water charges) of Qtr. No. 1213 which was allotted to my husband late P. Venkatesh and I am repaying them regularly by D.D's (S.R.H. DD No. OT/9-0329298, dt. 1/2/97 and S.R.H. D.D. No. HT/5-964901, dt. 18/3/97).

KANDULA Srinivas Rao, B.L.
NOTARY
26 MAR 1997
APPOINTED BY THE
GOVERNMENT OF A.P.
G.P. BABATENTS HIRE CO.,
NARAYANAGUDA,
HYDERABAD-500023.

(Contd...3.....)
(R. G. ...)



No. 2672... Date 26/3/97...
Purchaser... P. Lakshmi Bai... late P. Venkatesh
For Whom... 3rd... 11/3

CH
SMT. CH. SUDHA RANI
GVL No. 15/03, H. No. 4/0
GTAKH VENKAT
Hyderabad, Hyderabad

// 3 //

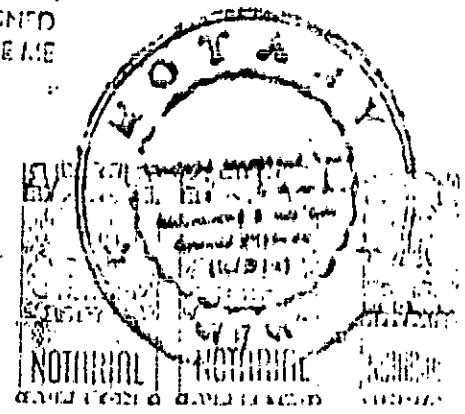
x) I certify that I have not receive a single paise from
your office till this day.

As suggested by Dy. General Manager Admin: I am
submitting a Affidavit duly notarised with a request to
understand the plight of an illiterate widow belonging to
Schedule Tribe and see that all payments are made to me
earliest.

R. V. R.
(P. LAXMI BAI)
W/O LATE D. VENKATESH

WITNESSES:
1. *[Signature]*
2. *[Signature]*
Held At Hyderabad - 1/6

NOTARY WORN AND SIGNED
BEFORE ME
[Signature]
26 MAR 1997
KANDULA
JIVASA RAO, B.A., B.L.
NOTARY
APPOINTED BY THE
GOVERNMENT OF A.P.
GPP: BABATENTS HIRE CO.,
NARAYANAGUDA,
HYDERABAD-500 029.



affirmed to the Notary
Register of 1997
Serial Number 610
7/8

[Signature]

Date : 4/2/97

Respected Sir,

Ref: Your lr. no. 07/082/LA, dt. 13.9.96.

Yours faithfully,

(B.T.I. OF LAXMI)
W/o. late P. Venkatesh.

To

Shri.G.K. Rao, I.O.F.S.
General Manager
Ordanance Factory Project, Medak
YEDDUMAILARAM-502205.
(Andhra Pradesh)

Sub:- Payment of C.G.E.G.IS/GPF Final Claim/family
Pension - Reg.

Ref:- Your Letter 05/057/To/OPPM Dt.7th Oct.1996-----.
Your Letter 19011/B/EO Dated 15-4-97 and Telegram
Dated 21-4-97.

Respected Sir,

I am the widow of Late Shri. P. Venkatesh who has served in your Organisation for more than 7 years and expired on 16-7-96. Your Office has asked me to submit all the documents vid letter dated 7th October, 96 and I have submitted them on 9-11-96, till today I was not payed a single rupee towards the final settlement/ Family Pension etc.,.

I was paying the L.F bills in respect of quarter No.1213 as and when demanded by your office through D.D's by rising loans with a promise to pay that after the receipts of the dues from your office.

For more than six months I was forced to live at the mercy of the Society. Please try to understand the Plight of an illetrate Sehedule Tribe widow who has to live without any Income. Mr.M.A. Ahmed the earlier Additional General Manager is aware of all the problems I was facing during his tenure at that your factory.

At this Juncture it is difficult for me to make any more payments towards-L.F. Bills without receiving the dues/Family Pension from your office.

I request you to go through my affidavit (enclosed) to know the events and try to understand the plight of an illeterate widow from Schedule Tribes.

Exept the demand to pay the bills for quarter I have not received any payments nor I was informed by your Office regarding the payments till today.

Copy to

National Commission for SC/ST, New Delhi

From- Smt. P. LAXMI

H.No-23-5-224

Aryanama).

SALIBUNDA.

HYDERABAD-500065.(N.P.)

Right hand ~~some~~ impression.
of P. Laxmi Bai wife of
P. Venkatesh.

D.M. RAO

M.A., LL.B.

ADVOCATE

BY REGD. POST ACK DUE

Amx 2

PHONE : 877729

'VINAYA VIHAR'

PLOT No. 232, ROAD No 2,
SRI R. K. PURAM,
H.No. 12-46, SAROORNAGAR,
HYDERABAD-500 660.

Date: 1-7-1997.

To

The General Manager,
Ordnance Factory Project,
YEDDUMAILARAM - 502 205.

Medak district,
Andhra Pradesh.

Sir,

Under instructions from my client, Mrs. P. LAXMI BAI, widow of late P. Venkatesh (per No. OFPM/829-3, Labourer SS) presently residing at Arya Samaj, H.No. 23-5-224, Shalibanda Hyderabad-500065, I am giving you this notice for the following reasons:

- (a) that my client is the legally wedded wife of late P. Venkatesh, who had expired on 16.7.1996 and you had acknowledged this fact through the condolence message sent through letter D.O. No. 07/066/LB dated 5th Sept. 1996.
- (b) that my client through letter dated 26.8.96 made a request for an appointment in the ordnance factory project on compassionate grounds and that you had sent forms to be duly filled in by my client through your letter No. 07/082/LB dated 13.9.96 wherein the family members of late P. Venkatesh were written by your office staff, including the names of my client and Smt. Rukmi Bai, mother of late P. Venkatesh.
- (c) that pursuant to the documents sent through your letter No. 06/057/TO/OFPD dated 7th October 1996 for payment of CGEGIS/GP final claims, my client had submitted the documents duly filled and stamped receipts into your office on 9.11.1996.
- (d) that, in the absence of settlement of the dues payable to her on account of her husband's demise, my client had affirmed a detailed affidavit on 26-3-97 and sent the same to you by registered post on 25.4.97 praying for early settlement.

.....2

- (e) that, inspite of repeated requests of my client not to insist for payment, of rent/market rent for the quarter allotted to her late husband as she had no money to pay, you had virtually chased ~~xxxxxx~~ her with letters and telegrams for vacating the quarter and paying the arrears of rent.
- (f) that through your letter No.07/001/LB dt.10.6.97 you had advised my client and Smt. Rukmi Bai, mother of the deceased employee, P. Venkatesh to get a succession certificate from the court to settle the terminal benefits on the ground that both of them claimed the same, inspite of the fact that under rule 54 of C.C.S.(Pension) Rules, 1972, wife of the deceased employee alone is eligible to receive the family benefits. Getting a succession certificate from the court is an unwarranted financial burden on my client. And my client has received the said communication dt.10.6.97 long after she had submitted the forms and stamped receipts i.e. on 9.11.1996. My client sincerely feels that she has been subjected to undue harassment and mental agony in the matter of settlement of her dues and that you had come out with the said letter dated 10.6.1997 only after she had complained also to the National Commission for SC/ST, New Delhi, being a woman belonging to a scheduled tribe, through her letter dated 25.4.1997.

Therefore, please take notice that if you do not settle the family benefits payable to my client, Mrs.P.LAXMI BAI on account of the demise of her husband, Sri P.Venkatesh within a period of one month from the date of receipt of this notice, my client will be constrained to take such legal remedies open to her under the laws against you for redressal of her legitimate grievances.

Yours faithfully,


(D.M. RAO)

Advocate, Hyderabad.

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

OA No. 1299/97

Date of Decision: 1.10.1997

BETWEEN:

Smt. Laxmi Bai

.. Applicant

AND

The General Manager,
Ordinance Factory Project, (Medak),
Yeddumailaram - 502 205.

.. Respondent

Counsel for the Applicant: Mr. S. Ramakrishna Rao

Counsel for the Respondents: Mr. N.R. Devaraj

Mr. V. Rosechander
Addl C.A. Sec.

Corrected as per
Cont. order dt. 28.10.97
3/11/97

CORAM:

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

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admn.))

Heard Mr. S. Ramakrishna Rao, learned counsel
for the applicant, ^{Mr. V. Rosechander Addl C.A. Sec. for} None for the Respondents.

Corrected as
per cont. order
dt. 28.10.97.
3/11/97

This is a case in which terminal benefits in respect of a deceased Semi-Skilled labourer are being claimed by his widow as well as by his mother. Prima facie, the widow of the official is entitled to claim the terminal benefits, if otherwise eligible as per rules. However, the widow^{ed} mother of the deceased employee too has staked claim to a portion of the same benefits since she has no wherewithal of living except depending on her deceased son's entitlements. This is a question which may not be capable of being solved

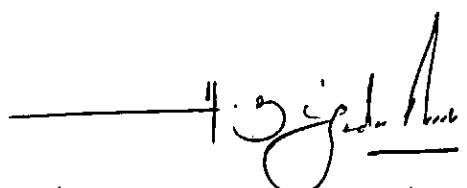
Q.
1/10.

..2

without taking the related circumstance into consideration. Mr. Ramakrishna Rao submits that instead of asking the applicant and her mother-in-law to produce succession certificates individually and separately, the respondents could themselves have taken the initiative of making proportionate payment of the terminal benefits with the mutual consent of both the claimants. It is submitted by the learned counsel that asking the applicant to produce a succession certificate is neither required nor fair since she is the legally-wedded wife of Mr. Venkatesh and this fact was never in dispute.

Under the circumstances it would be desirable that the respondent sorts out the problem by having both the claimants summoned and enquiring whether, or what proportionate distribution of, terminal benefits would be acceptable to them on a fair and rational basis subject, of course, to the relevant rules. This solution may be attempted and a final decision taken within 90 days from the date of receipt of ^a copy of this order, after obtaining such declarations, agreements or undertakings, as may be found necessary from the rival claimants within the overall parameters of relevant rules.

Thus the OA is disposed of at admission stage.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 1st October 1997.

KSM



O.A. 1299/97.

To

1. The General Manager,
Ordnance Factory Project, (Medak)
Yeddumailaram, Medak Dist.
2. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
3. One copy to Mr.N.R.Devraj, Sr. CGSC. CAT.Hyd.
4. One copy to MHRP.M.(A) CAT.Hyd.
5. One copy to D.R.(A) CAT.Hyd.
- 6- One spare copy.

pvm.

22/10/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

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:- 11/10/97

~~ORDER~~ JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 1299/97

T.A.No. (W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

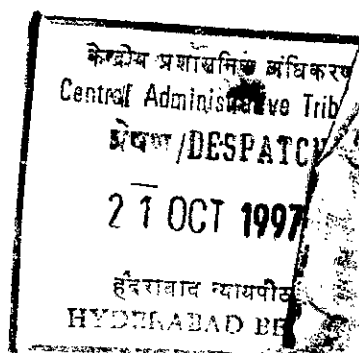
Dismissed. a/w O.A. copy

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

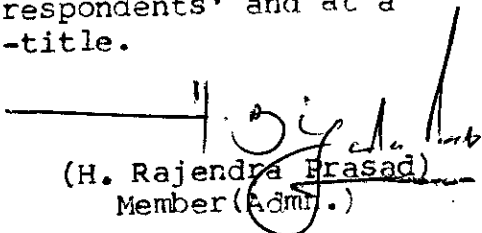
No. order as to costs.



CORRIGENDUM

The following corrigendum is issued to the Judgement dated 1-10-97 in OA.1299/97 :

In page-2, line-2 read Sri V. Rajeswara Rao for the existing 'none for the respondents' and at a suitable place in the cause-title.


(H. Rajendra Prasad)
Member (Adm.)

Judl.

C.O-7

23/10

In the Central Administrative Tribunal; Hyderabad Bench
At Hyderabad

NO. 1299/97.

43

Between :

Dated: 28/10/97.

Petitioner: Smt. Laxmi Bai — Applicant
(Ind.)

The General Manager, Ordnance Factory project (Medak)
Yeddumailaram - 502 205. — Respondent.

By order of Tribunal at 28.10.97 the following copy
has been issued to the ^{copy of the} ~~order~~ of the Tribunal in NO. 1299/97
at 1.10.97 and dispatched to you on 21/10/97.

Corrigendum

In page 1 in correctible portion of the order
the name "Mr. M. D. Dena Rao" correct for the respondents in
be deleted instead the name "Mr. V. Venkatesh Rao"
Case II shall be substituted.

~~Like~~ In para no. 1, line no 2
the words "None for the respondents" shall be deleted.

Instead the words ^{and} "Mr. V. Venkatesh Rao, Addl. CC
"shall be substituted."

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दिल्ली / DESPATCH
- 6 NOV 1997
हैदराबाद न्यायपीठ
HYDRABAD BENCH

[Signature]

- 1) The General Manager, Ordnance factory project (Medak)
Yeddumailaram, Medak District.
- 2) 1. Copy to Mr. S. Dhanakrishna Rao Jd. Secy, Govt. of Andhra Pradesh.
3. one copy to Mr. Venkatesh Rao, Addl. CC for the respondents.
4. 1. Copy to Mr. S. Dhanakrishna Rao Jd. Secy, Govt. of Andhra Pradesh.
5. one copy to Mr. S. Dhanakrishna Rao Jd. Secy, Govt. of Andhra Pradesh.
6. 1. Signed —

FORM NO. 21.

(Sec. Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

O.A / T.A. RA. 89/92 in. 1998.
..... Harni Bai Respondent(s)
..... OR NO. 1299/92

Versus

..... The General Manager
..... Ordinance factory Respondent(s)
..... Yeddumailam

INDEX SHEET

Serial No.	Description of documents and dates.	Pages.
.....
Docket orders.		
Interim Orders		
Orders in M.A(s)		
Reply statement		
Rejoinder		
ORDERS IN(Final orders)		10-11

Certified that the file is completed
in all respects.

Signature of dealing Head.
(in Record section)

Signature of S.O.

82

CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:AT HYDERABAD.

~~THE HON'BLE MR. S. RANGARAJU~~ MEMBER (A)
~~AND~~ (V.C. HUB)

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

~~THE HON'BLE MR. S. R. SRI RAMAKRISHNAN~~ MEMBER (A)

Reviews Application No. 83 of 1997
in
Original Application No. 1293 of 1997

The above Review Application has been filed for review of the Judgement of the Bench dated 7.10.97 of the Tribunal consisting of ~~Mr. S. R. Rangaraju, Member (A) and~~ Hon'ble Mr. H. Rajendra Prasad, Member (A) ~~and Hon'ble Mr. S. R. Sri Ramakrishnan, Member (A)~~ in Original Application No. 1293 of 1997

Circulated as per Rule 49 of the Central Administrative Tribunal Rules of practice, 1993.

Submitted.

The grounds urged by the Applicant
of the facts advanced by her were duly considered
earlier. The jt. passed was fair, just & equitable.
No grounds for review. Disallowed.

25/11/97

11

~~IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH~~
AT: HYDERABAD

R.A. NO: 89 OF 1997

IN

O.A.No: 1299 of 1997

BETWEEN:

Smt. Laxmi Bai, W/o. late P. Venkatesh,
Ex. Labourer (S.S.), (Per.No.OFPU/829-3),
Ordinance Factory Project, Yeddumailaram,
Medak District, R/o. H.No.23-5-224, Aryasamaj,
Shalibanda, Hyderabad-500 065.

APPLICANT

A N D


The General Manager,
Ordinance Factory Project, (Medak),
Yeddumailaram - 502 205.

RESPONDENT

REVIEW APPLICATION FILED UNDER RULE 17 OF CAT
(PROC.) RULES, 1987

For the reasons stated in the accompanying affidavit,
it is respectfully prayed that the Hon'ble Tribunal may be
pleased to review the OA No.1299/97 duly taking into
consideration the averments made in the above OA, in the
interest of justice and be pleased to pass such other and further
order or orders, as the Hon'ble Tribunal deems fit and proper in
the circumstances of the case.

HYDERABAD.
Dt.4.11.1997.


COUNSEL FOR THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT: HYDERABAD

R.A. NO: 89 OF 1997

IN

O.A.NO: 1299 OF 1997

BETWEEN:

Laxmi Bai

APPLICANT

AND

The G.M., Ordinance Factory Project, (Medak),
Yeddumailaram - 502 205.

RESPONDENT

A F F I D A V I T

I, Smt. Laxmi Bai, W/o. late P. Venkatesh, Ex. Labourer (S.S.), (Per.No.OFPU/829-3), Ordinance Factory Project, Yeddumailaram, Medak District, R/o. H.No.23-5-224, Aryasamaj, Shalibanda, Hyderabad-500 065, do hereby solemnly and sincerely affirm and state on oath as follows :

1. That I am the Deponent herein and the Applicant in O.A. No.1299/97 and therefore well acquainted with the facts of the case.
2. I submit that I filed an O.A. No.1299/97 aggrieved against the impugned order dated 10.6.1997 of the Respondent disputing payment of terminal benefits on the demise of my husband and the illegal action of the Respondent to call for Succession Certificate, in order to delay the payment of death cum retirement benefits of my husband. In the O.A., I prayed for setting aside the impugned order dated 10.6.1997 and to direct the Respondent to release the terminal benefits accrued to my husband, and to make payment of the same to me, as I am legal heir being wife of the deceased employee as per the provisions contained under Rule 54 of CCS (Pension) Rules 1972. The above O.A. was disposed of on 1.10.1997 with the following directions:

Contd....

"Under the circumstances it would be desirable that the respondent sorts out the problem by having both the claimants summoned and enquiring whether, or what proportionate distribution of terminal benefits would be acceptable to them on a fair and rational basis subject, of course, to the relevant rules. This solution may be attempted and a final decision taken within 90 days from the date of receipt of a copy of this order, after obtaining such declarations, agreements or undertakings, as may be found necessary from the rival claimants within the overall parameters of relevant rules. Thus the OA is disposed of at admission stage."

3. I submit that I made out a case, in the above OA in which I had established that the deceased employee of the Respondent organisation had declared the family particulars showing myself and my three children born to the deceased employee and the nominations executed by him in our favour. On the records of the Respondent Organisation, the nomination still exists, assigned my name and the 3 children as legal heirs, eligible for payment of death cum retirement benefits of my husband. It was also clearly stated in the OA that the Respondents having recognised my right to receive the death-cum-retirement benefits, have forwarded me the relevant papers for processing payment of terminal benefits, which were promptly sent for further action on the part of the respondent. I had represented to release the said benefits on several occasions and because of a legal notice issued to the Respondent on 2.7.1997, the Respondents have disputed and have brought-in the mother of the deceased, who is also having other children on whom she is dependent as one of the claimants in the terminal benefits that are to be granted to me. The case should have been decided in terms of Rule 54, which had clearly defined the definition of family for the purpose of pension and pensionary benefits/

Contd...

terminal benefits of the deceased employee. The Respondents during the course of the adjudication, have never submitted the facts concerning the mother of the deceased and the Hon'ble Tribunal had taken her claim into consideration and adjudicate the matter. My Counsel was instructed to submit that proportionate payment of terminal benefits be paid to the mother of the deceased employee and myself. The only submission made by my Counsel was that the Respondents instead of asking the applicant herein to produce Succession Certificate individually, the Respondents could have acted in the light of Rule (54) of CCS (Pension) Rules 1972, which had clearly provided the relevant provisions under such circumstances. The Hon'ble Tribunal ought to have adjudicated the case, in the light of the said rule and the facts that the Respondent had forwarded the papers/documents for execution by me, duly recognising that I was the only legal heir of the deceased employee. The question of the Respondent sorting out problem by himself did not arise, as it is the Respondent, who created these problems. Therefore, by the judgement of the Hon'ble Tribunal a leverage was given to the Respondent to meddle with the situation aggravating the same by bringing-in un-authorized persons, to claim terminal benefits, in violation of Rule 54 of CCS (Pension) rules 1972 and the relevant provisions therein.

4. It is submitted that the mother of the deceased is staying with other sons at Jeedimetla and she also possesses ration card of the Jeedimetla area, where her sons are living with her together, and her sons are also owning their houses. The mother of the deceased is also having own house, in which she is residing with her sons.

5. It is also submitted that the respondents have been issuing notices, for the payment of license fee for the quarters, she had occupied and the quarters rent is collected only from the wife of the deceased, but not from the mother, as the mother of

the deceased is living separately with other sons at Jeedimetla. Therefore, it is evident that the respondents have also recognised that the mother is not dependent on the deceased and his widow. In the circumstances, it is just and proper that all the benefits of the deceased employee must only go to the wife of the deceased and her children, who are living with her. There is a responsibility on the wife of the deceased employee i.e., the applicant herein to bring-up the children, who are dependent on her.

4. In view of the submissions made above it is a case of non-application of mind by the respondent and they ought to have considered the case in the light of Rule 54 of CCS (Pension) Rules, 1972. It is, therefore, evident that there is an error apparent on the record that the case was not considered in the light of submissions made as above and no opportunity was given to the applicant/applicant's counsel to defend the case in proper perspective and therefore it is a fit case for review on merits of the case.

It is, therefore just and proper that the Hon'ble Tribunal may be pleased to review the order passed in OA No.1299/97 dated 1.10.1997, in the interest of justice and pass clear orders directing the Respondents to make payment of terminal benefits of the deceased employee to the applicant herein in terms of Rule 54 CCS (Pension) Rules 1972, in the interest of justice and be pleased to pass such other and further order or orders, as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case, else the applicant shall be put to irreparable loss and damage.

Sworn and signed on this
16th day of Oct., 1997
at Hyderabad.

DEPONENT

BEFORE ME

ADVOCATE

Contd....

without taking the related circumstance into consideration. Mr. Ramekrishna Rao submits that instead of asking the applicant and her mother-in-law to produce succession certificates individually and separately, the respondents could themselves have taken the initiative of making proportionate payment of the terminal benefits with the mutual consent of both the claimants. It is submitted by the learned counsel that asking the applicant to produce a succession certificate is neither required nor fair since she is the legally-wedded wife of Mr. Venkatesh and this fact was known to the respondents.

Under the circumstances it would be desirable that the respondent sorts out the problem by having both the claimants concerned and enquiring whether, or what proportionate distribution of terminal benefits would be acceptable to them on a fair and rational basis subject, of course, to the relevant rules. This solution may be attempted and a final decision taken within 90 days from the date of receipt of copy of this order, after obtaining such declarations, agreements or undertakings, as may be found necessary from the rival claimants within the overall parameters of relevant rules.

Thus the OA is disposed of at admission stage.

NOTED TO BE TRUE COPY

COURT OFFICER
Central Appellate Tribunal
HYDERABAD BENCH

QA 1249/97

11/10/97

19/10/97

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA No. 1299/97

Date of Decision: 1.10.1997

BETWEEN:

Smt. Laxmi Bai

Applicant

AND

The General Manager,
Ordinance Factory Project, (Medak),
Yeddumailaram - 502 205.

Respondent

Counsel for the Applicant: Mr. S. Ramakrishna Rao

Counsel for the Respondents: Mr. N.R. Devaraj

COMES:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMIN.)

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admin.))

Heard Mr. S. Ramakrishna Rao, learned counsel
for the applicant. None for the Respondents.

This is a case in which terminal benefits in
respect of a deceased Semi-Skilled labourer are being
claimed by his widow as well as by his mother. Prima
facie, the widow of the official is entitled to claim
the terminal benefits, if otherwise eligible
as per rules. However, the widow mother of the deceased
employee too has staked claim to a portion of the same
benefits since she has no wherewithal of living except
depending on her deceased son's entitlements. This is
a question which may not be capable of being solved

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

, A. NO: OF 1997

IN

O.A.NO:1299 OF 1997

BETWEEN:

Laxmi Bai .. APPLICANT

AND

The G.M., Ordinance Factory
Project, (Medak),
Yeddumailaram - 502 20
RESPONDENT

REVIEW APPLICATION

MISCELLANEOUS APPLICATION
FILED UNDER RULE 8(2) OF CAT
(PROC.) RULES, 1987.

FILED ON:

FILED FOR:

APPL



FILED BY:

SANKA RAMA KRISHNAN
ADVOCATE,
1-B-549/C,
SECOND FLOOR, CHIKKADAPALLY
HYDERABAD-500 020

COUNSEL FOR THE APPLICANT

Contd...

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

R.A.NO. 89/98 in O.A. 1299/97

Date of Order: 21-9-98.

Seen:

Mt. Lakshmi Bai.

.. Applicant.

and

The General Manager,
Ordnance Factory Project (Medak)
Yeddumailaram-205.

.. Respondent.

For the Applicant: Mr. S. Ramakrishna Rao, Advocate.

For the Respondents: Mr. V. Rajeswar Rao, Addl. CGSC.

CO RAM:

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

The Tribunal made the following Order:-

The Grounds urged by the applicant and the facts advanced by her were duly considered earlier. The judgement passed was fair, just and equitable. No grounds for review. Disallowed.

[Signature]
Deputy Registrar

~~Deputy Registrar.~~

To

1. The General Manager,
Ordnance Factory Project, (Medak)
Yeddumailaram-205.
2. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
3. One copy to Mr. V. Rajeswar Rao, Addl. CGSC, CAT. Hyd.
4. One spare copy.

pvm

8/10/98

I COURT

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE-CHAIRMAN

AND

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

DATED: 21-9-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No. 89/97

in

O.A.No. 1299/97

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.

