

In the Central Administrative Tribunal; Hyderabad Bench
At Hyderabad

0A.1173/99

dt.12-8-99

Between

Smt. Indrani

: Applicant

and

1. Postmaster
Bangarupalyam Post Office
Bangarupalyam
Chittoor Dist.

2. Postmaster
Palamaneru Post Office
Chittoor Distr.

3. Sr. Supdt. of Post Offices
Chittoor Division
Chittoor

: Respondents

Counsel for the applicant

: V. Suryanarayana Sastry
Advocate

Counsel for the respondents

: V. Bhimanna
CGSC

Coram

Hon. Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(Judl)

Jai

OA.1173/99

dt.12-8-99

Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(J)

Heard Mr. Suryanarayana Sastry for the applicant and
Mr: V. Bhimanna for the respondents.

1. The applicant is widow of one Chandre, an employee of the respondents. Her husband died in harness. She was granted family pension as per Pension Payment Order No. 2243. However, by order dated 20-6-98 (Annex-5) the said pension has been stopped.

2. The applicant has filed this OA to declare the action of the respondents in stopping the family pension vide impugned order No.AC/Pen/98 dated 20-6-1998, as illegal, improper, unjust, arbitrary and for a consequential direction to the respondents to continue to pay her family pension as directed by the Assistant Provident Fund Commissioner, Cuddapah, with all arrears and direct the first respondent to continue to pay family pension.


3. It is stated that the father of the applicant had submitted a complaint to the respondents authorities alleging remarriage of the applicant. The respondent authorities without issuing notice to her and without conducting any inquiry have stopped ^{the} family pension.


4. Atleast the respondent authorities before taking a decision to stop pension on the alleged remarriage of the applicant, should have made an enquiry into the genuinness or otherwise of the alleged complaint. Without doing anything and without issuing a notice to the applicant the decision taken by the respondents authorities by the impugned order dated 20-6-1998 is not sustainable and violates all the principles of Natural justice. Hence, the impugned order is set aside. The respondents are

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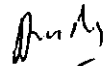
directed to continue payment of family pension from the date it was stopped till a proper enquiry is made asking the applicant to participate in that enquiry, and final order communicated to the applicant.

5. With the above direction the OA is disposed of.


(B.S. Jai Parameshwar)
Member (Judl.)
12.8.99


(R. Rangarajan)
Member (Admn.)

Dated : August 12, 99
Dictated in Open Court


J. Jeyaraj

sk

COPY TO:

1. HDHND
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1st AND II nd COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

THE HON'BLE MR. R. RANGARAJAN.
MEMBER (ADMN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER DATE: 12/8/99

MA/RA/CP.NO
IN
DA.NO. 1173/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अपिचकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

23 AUG 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH