Central Administrative Tribunal
Jabalpur Bench

OA No.168/05

Jabalpur, this the 16th day of June 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

Smt.Lalita
Widow of Narsingh Narayan
R/o C/o P.V.Deva Das
Bakshi Compund, 26 Denning Road
South Civil Lines
Jabalpur (M.P.) Applicant

(By advocate None)

Versus

1. DGOF/Chairman
Ordnance Factory Board
10-A, S.K.Bose Road
Kolkata.

2. General Manager
Ordnance Factory, Khamaria
Jabalpur. Respondents

(By advocate Shri A.P.Khare)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:

(i) To direct the respondents to release the payment in respect of fund, insurance, pension, gratuity and provident fund to the extent the applicant was made nominee.

(ii) To direct the respondents to release monthly pension in favour of the applicant.

2. The brief facts of the case are that the applicant's husband late Narsingh Narayan while working on the post of Office Superintendent in Ordnance Factory, Khamaria, Jabalpur, expired on 15.7.99. Since at that time the applicant was not in a position to be appointed on compassionate ground, she made a request for appointment of her elder son Late Vinay Kumar Mannewar on compassionate basis and on her request her son got appointment on the post of Labour on 26.1.2000 on compassionate ground. The said Vinay Kumar got married on 22.2.2003 with one Sarita Rao in accordance with Hindu rites and customs. After the death of Vinay Kumar Mannewar, the applicant made a request for release of DCRG, family pension, GPF, Insurance etc. from the department being a nominee regarding all these claims. It is alleged in the application that late Vinay Kumar made the applicant nominee regarding the terminal benefits. However, the respondents are not releasing the terminal benefits. The applicant made a request on 26.12.04 (Annexure A5) followed by a reminder-dated 27.12.04. She also served a legal notice on the respondents. Still, the respondents are not releasing the terminal benefits. Hence this OA is filed.

3. None is present for the applicant. Hence the OA is disposed of by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987. –

4. Heard learned counsel for respondents. It is argued on behalf of the respondents that the at the time of the appointment of Vinay Kumar, he was married and made his mother – the applicant – as nominee on 22.10.02 and on 22.2.02 for his retiral dues and thereafter he died on 21.9.2004. Though the marriage between Vinay Kumar and Sarita was performed on 21.3.2003, he did not change his earlier nomination made prior to his marriage till death. The mother of the

applicant as also his wife approached the respondents for payment of terminal benefits but the Factory has taken action to settle the payment of terminal benefits to Smt. Sarita, the wife of the deceased employee as per rules which are as under:

"Nominations: if an employee has a family at the time of making the nomination, he shall make such nomination only in favour of a member or members of his family and any nomination made before marriage of the employee becomes invalid after marriage."

Therefore the applicant is not entitled to receive the terminal benefits of her son. Hence the respondents have not committed any illegality or irregularity in the action taken for releasing terminal benefits to the wife of the deceased employee.

5. Subsequently, a written argument is filed on behalf of the applicant, which I have perused. It is mentioned in the written argument that the applicant ~~has~~ was validly nominated by late Vinay Kumar Mannewar and the respondents have admitted this fact. Shri Vinay Kumar Mannewar was appointed on compassionate grounds on the condition that he would look after the dependents of the deceased. The mother is also included under the definition of "Family" under Rule 5 of GPF (Central Services) Rules. The applicant moved applications as also a legal notice dated 29.12.04 to the respondents. The applicant is a valid nominee. The respondents have gone beyond law and have infringed the right of the applicant.

6. I have perused the written argument filed on behalf of the applicant and also heard the learned counsel for the parties. I have also carefully perused the material available on record. I find that the deceased employee Vinay Kumar Mannewar has nominated his mother Smt.Lalitha on 22.10.2002 for GPF and 22.2.2002 for Group Insurance and DCRG and subsequently he got married with Smt.Sarita on 21.3.2003. When both ladies approached the respondents to claim the terminal benefits, the respondents has decided to release the same in favour of Smt. Sarita, the wife of the deceased employee, as per rules. I have perused Annexure R5 in

which it is mentioned that "Nominations: if an employee has a family at the time of making the nomination, he shall make such nomination only in favour of a member or members of his family and any nomination made before marriage of the employee becomes invalid after marriage." The marriage of deceased employee Vinay Kumar Mannewar is admitted to have been solemnized with Sarita by the applicant herself. Hence, according to the above rules, the applicant is not entitled to receive the terminal benefits of the deceased employee. I find no merit in the OA and accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

aa.

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि सभी को:—
(1) सचिव, [illegible], जबलपुर
(2) आवेदक श्री/श्रीमती/कु. .....के काउंसल
(3) प्रत्यर्थी श्री/श्रीमती/कु. .....के काउंसल
(4) [illegible], जबलपुर [illegible]
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार