

**Central Administrative Tribunal
Madras Bench**

OA/310/01726/2016

Dated Wednesday the 5th day of September Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

Astalakshmi
Old No. 132A, Kamarajar Nagar
Palayampatti
Aruppukottai – 626 101
Virudhunagar District.

.. Applicant

By Advocate **M/s. S.R. Hemkumar**

Vs.

1. The General Manager
BSNL
Office of the General Manager
No.22, Nethaji Road
Karaikudi – 1.

2. The Accounts Officer (Drawal)
O/o. General Manager
BSNL, Karaikudi – 630 001.

.. Respondents

By Advocate **Mr. R. Priyakumar**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following relief:-

“To receive the following death, terminal and other benefits

- i. Death cum Retirement Gratuity
- ii. Leave encashment
- iii. Family Pension with arrears
- iv. Pay arrears
- v. Central Government Employees General Insurance Scheme benefits
- vi. Interest on delayed payment of gratuity. and other eligible benefits”

2. It is alleged that the applicant is the widow of one A. Murugadoss who died on 21.03.2011 while on service with the first respondent and that the terminal benefits due to the employee such as death cum retirement gratuity, leave encashment, pay arrears, Central Govt. employees General Insurance benefits as well as interest on pending payment had not been paid to her till date. Aggrieved by the inaction on the part of the respondents, the applicant has filed this OA.

3. Learned counsel for the applicant would submit that the applicant married the said A. Murugadoss on 10.07.1994 and had a son born on 2.3.1998 from such marriage. Her son is suffering from physical and mental disabilities and accordingly the matter deserved to be considered sympathetically.

4. It is further submitted that the applicant filed MC No. 13/2005 in the Court of Judicial Magistrate, Aruppukottai which was allowed on 30.08.2006 and

accordingly maintenance was being paid to the applicant by attaching her husband's salary at the respondent's office. Her husband had also instituted H.M.O.P. No. 39 of 2009 in the court of Subordinate Judge, Ramanathapuram seeking restitution of conjugal rights which matter, however, is still pending. As no divorce had taken place, the applicant is entitled to all the terminal payments, it is contended.

5. Learned counsel for the respondents would, however, submit that the deceased employee had never mentioned the applicant's name in any of the office records and, therefore, it was not possible to make the terminal payments to her. The applicant was directed to submit her legal heir certificate/succession certificate and as no such certificate was produced, the respondents had been unable to release the terminal benefits.

6. Learned counsel for the applicant would draw attention to Annexure A28 legal heir certificate dated 12.12.2013 wherein the applicant had been shown as the wife of the deceased employee for the purpose of claims related to property, electricity and gas connections and transfer of money in the bank and post office accounts of the deceased employee as well as for redeeming the jewels.

7. I have considered the matter. Since the respondents have submitted that terminal benefits could not be released only for the reason that no legal heirship certificate is produced and such certificate is seen at Annexure A28 of this OA, I am of the view that this O A could be disposed of with the following direction:

“Respondents shall consider the legal heirship certificate at Annexure A28 dated 12.12.2013 issued by the Revenue Tahsildar, Aruppukottai and take an appropriate

decision in accordance with law on the claim of the applicant for payment of terminal benefits etc. within a period of three months from the date of receipt of copy of this order. Respondents shall be at liberty to seek the original of the certificate from the applicant as also other relevant documents necessary for taking a fair and objective decision in the matter.

8. OA is disposed of with the above direction. No costs.

(R.Ramanujam)
Member(A)
05.09.2018

AS