

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

OA/021/970/2017

**Reserved on: 02.04.2019
Order pronounced on: 03.04.2019**

Between:

Smt. Chilakabathini Padma,
W/o. late Chilakabathini Praveen Kumar,
38 years, House Wife,
R/o. H.No.32/7-1, Primary School Road,
Aswarpuram, Khammam District.

...Applicant

And

1. Bharat Sanchar Nigam Limited
(A Government of India Enterprise) rep. by its
Chairman And Managing Director, BSNL,
Bharat Sanchar Bhawan, Harish Chandra Mathur Lane,
Janpath, New Delhi.
2. The General Manager, Telecom District,
Khammam, Telangana State.
3. Assistant General Manager (Administration),
Office of the General Manager,
Telecom District, Khammam,
Telangana State.
4. K. Vijaya Kumari, aged 47 years,
R/o. H.No.3-8-321, Zaheerapura,
Guttlu Bazar, Khammam Dist.,
Telangana State.

...Respondents

Counsel for the Applicant ... Mr. M Srikanth
Counsel for the Respondents ... Mr. M. Brahma Reddy, Sr. PC to CG
... Mr. B. Ramesh

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA has been filed for grant of Pensionary benefits on the demise of the husband of the applicant.
3. Applicant was married to Sri Praveen Kumar, who while working for the respondents organisation left for heavenly abode on 6.9.2014 leaving behind 3 sons and one daughter. On the demise of applicant's husband respondents granted funeral expenses and also sent condolence message to her. However, when she sought pensionary benefits it was informed that another lady by name Smt K. Vijaya Kumari, who is the 4th respondent in the present case, has made a rival claim stating that she is the wife of the deceased wife. In view of this development, applicant was asked to produce legal heir certificate and family members certificate from a competent court which she complied. Besides, applicant has produced death certificate, family members certificate, marriage certificate and other relevant documents for processing her claim. More importantly she is shown as the nominee in the service record of the deceased employee. Besides, when the 4th respondent filed WP No. 12624/2015 on the issue it was dismissed. In the circumstances stated, respondents have not released the pensionary benefits. Aggrieved over the same applicant filed the OA.
4. The contentions of the applicant are that she is the legally wedded wife as per the records submitted by her and also as per official records of the respondents. Besides, she has produced the legal heir certificate from the competent court. The rival claim made by the 4th respondent, who is employed is

concocted. Applicant is illiterate, unemployed and is totally dependent on the pensionary benefits to eke out a living.

5. The 4th respondent has contested the claim by stating that she is legally wedded wife of the deceased employee and has submitted the marriage certificate and the family member certificate issued by the Church and revenue authorities respectively. In the family member certificate it is shown that the two sons Sri C. Pranay and Sri C. Praneeth aged beyond 20 years are shown as children of the 4th respondent. 4th respondent claims that the applicant has shown that the same children aged beyond 20 years as her sons fraudulently, which is evident from the fact that applicant being married for 18 years as per records, cannot have children aged beyond 20 years. The two sons named above have lodged a police complaint against the applicant for showing them as her sons by forging their signatures. Besides, the 4th respondent is willing to undergo DNA tests to prove that the two sons Pranay and Praneeth are her children.

6. Official respondents have confirmed that they have paid the funeral expenses and sent the condolence message to the applicant. The Hon'ble High Court while dismissing the WP no 12624/2015 filed by the 4th respondent has directed the respondents to furnish the names of the family members to the 4th respondent which was faithfully complied with. Official respondents have also stated in the reply statement that the name of the applicant figures in the service register of the deceased employee as the beneficiary and have sought orders of the Tribunal to decide the issue.

7. Heard the Ld. counsel for the respondents and the applicant. 4th respondent has filed the reply statement but her Ld. counsel did not appear though the case was listed on several occasions in the past and even on the date of final hearing. Perused the documents and the material papers submitted by the parties concerned.

8. I) A study of the case reveals that the 4th respondent has filed WP no 12624/2015 in the Hon'ble High Court staking her claim but it was dismissed by directing the respondents to furnish the names of the family members recorded in the service register. The same was complied with by the official respondents. Service register contains the name of the applicant as the beneficiary which is a crucial and vital document. Besides, applicant has produced the legal heir certificate and the family members certificate issued by the competent Court. The 4th respondent has not challenged the same in the competent court. Official respondents did send a condolence message and paid the funeral expenses to the applicant as she was shown as the nominee of the deceased employee in the service register. Service register has a statutory character and the entries therein are of primal importance in releasing pension and terminal benefits. Further as per rule 53 of the CCS (Pension) rules 1972, which is extracted hereunder, the applicant being the nominee, is eligible for pensionary benefits.

53. Nominations

(1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1 or 2, as may be, as appropriate in the circumstances of the case, conferring on one or more persons the right to receive the ³[retirement gratuity/death gratuity] payable under Rule 50 :

Provided that if at the time of making the nomination –

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| (i) | the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family ; or |
| (ii) | the Government servant has no family, the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not. |

The deceased employee has not nominated any other person in the official records and applicant is thus the sole beneficiary of the pensionary benefits.

II) Thus the most vital aspects to decide the issue in favour of the applicant are that the Hon'ble High Court has dismissed the WP filed by the 4th respondent by directing the respondents to reveal family particulars as recorded in the service register. The service register has the name of the applicant as the beneficiary. Therefore, as per rule 53 of CCS (Pension) Rules, applicant is entitled to receive the pensionary benefits. The competent court has issued the legal heir and family members certificate to the applicant. The 4th respondent has not challenged the same by making the averments stated in her reply statement, before the competent court which has issued the certificates cited.

III) Hence, in view of the aforementioned facts the OA succeeds. Respondents are, therefore, directed to consider release of pension and other terminal benefits to the applicant within a period of 3 months from the date of receipt of this order. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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