

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

Original Application No. 21/918/2017

Date of Order: 21.02.2019

Between:

P. Ramya Smruthi,
D/o. Penumala Sri Vishnu Tarakam,
Aged about 26 years,
Occ: Student, C/o. H. No. 8-3-231/C/82,
Sri Krishna Nagar, Yousufguda, Hyderabad.

... Applicant

And

1. The Engineer-in-Chief,
Military Engineer Services,
Engineer-in-Chief's Branch,
Army Head Quarters, Kashmir House,
Rajaji Marg, New Delhi – 110 011.
2. The Chief Engineer (Navy),
Military Engineer Services,
Vizag Zone, Station Road,
Visakhapatnam – 530 004.

... Respondents

Counsel for the Applicant ... Mr.M. Venkanna

Counsel for the Respondents ... Mrs. B. Gayatri Varma, Sr.PC for CG

CORAM:

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

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

2. The OA is filed seeking direction for release of terminal benefits payable on the death of his father.
3. Brief facts are that the Applicant's late father P.S.V. Tarakam, worked for the respondents organisation and passed away on 16.8.2016. Applicant's parents got married in the year 1987 but got divorced in 1991. Differences between her parents were taken up all the way up to the Hon'ble Supreme court wherein it

was ordered on 25.3.1996 that the applicant's father should pay a monthly maintenance of Rs.3500 per month to the applicant and her mother. When applicant's father passed away on 16.8.2016, she represented on 3.10.2016 for disbursement of family pension and terminal benefits being the only eligible family member. Respondents did not respond and hence the OA.

4. The contentions of the applicant are that she is the legal heir. Her mother having been divorced she cannot make any claim. Respondents are duty bound to release family pension and terminal benefits to the legal heir of the deceased employee. Applicant is unemployed and unmarried. Applicant's claims that her late father gave the maintenance for some time and later stopped paying the same.

5. Respondents *per contra* state that as per office records, deceased employee was married to Smt. Penumala Uma Vijayalakshmi and the applicant was born in 1990, whereas the applicant intimates that she was born in 1991 in the OA. Therefore they are not sure as to whether the daughter of the deceased employee and the applicant are one and the same. Respondents state that they are not aware of the maintenance issue and they also deny that the applicant has represented to them on 03.10.2016.

6. Heard both the counsel. Perused the documents submitted.

7. Applicant claims that being the daughter of the deceased employee she is the legal heir. Respondents have submitted a copy of their internal correspondence dt 24.7.2017 wherein it was mentioned that as the applicant's mother took divorce she is not eligible for claiming family pension and other benefits. In the same correspondence, it was also mentioned that the family pension papers may be processed in favour of Smt P. Lakshmi Narasu, the

widow of the deceased employee. From this note it is to be understood that the deceased employee has been remarried. Respondents nor the applicant have furnished any details in this regard to take a view in the matter. Particularly in the context of the applicant making a claim for family pension and other terminal benefits. Applicant's mother and her late father had waged a tough legal battle. Respondents can call for the legal documents pertaining to this battle, which would make things clear as to whether the applicant is the daughter of the deceased employee or not. Applicant indeed has appended the Hon'ble Supreme Court judgment in SLP (Civil) No. 230/2006 dt 13.4.2007 to the OA wherein it was ordered that the wife and daughter are to be paid monthly pension. Being the daughter of the deceased employee, she would have a legal claim which needs to be looked into. Therefore respondents need to scrutinise the matter thoroughly as it concerns competing legal claims. One that of the widow and the other of the daughter of the deceased employee. It appears no such effort was made by the respondents. Widow of the deceased was not impleaded and hence it may not be fair to decide the issue by this Tribunal. Nevertheless, considering the facts and documents submitted by the applicant respondents need to verify the details and decide the matter. Hence the respondents are directed to call for all the relevant documents from the applicant, get them verified legally as well administratively and thereafter take a decision in the matter. Without giving an opportunity to the applicant for presenting her case to the respondents it may not be appropriate on part of the respondents to proceed as per the internal correspondence dt 24.7.17 submitted by the respondents. A comprehensive view can be taken only when competing claims are examined in their entirety. Thus based on the aforesaid, respondents are directed to examine the relief sought by the applicant from the perspective of rules/ law and thereafter issue a reasoned and speaking order

within a period of 60 days from the date of receipt of this order. With the above directions the OA is disposed with no order to costs.

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

Dated, the 21st day of February, 2019

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