

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

Original Application No.21/85/2019

Date of Order: 25.06.2019

Between:

A.Jugal Manikanth, S/o. late K.Hemamalini,
S/o. A. Jithender Rao,
Aged about 22 years, Gr. C,
Occ: Student, R/o. Flat No. M.T.5. Manisha,
Taj Residency, Raja Srinivas Nagar Colony,
New Miryalaguda, Malkajgiri,
Medchal - Malkajgiri District.

... Applicant

And

1. The Senior Deputy Accountant General (Administration),
Accountant General (A&E),
Telangana, Hyderabad.
2. Union of India, rep. by its
Accountant General,
Telangana State, Hyderabad.
3. A. Jithender Rao, S/o. Shyam Rao,
Aged about 49 years, Occ: Private Job,
R/o. Block No. 15, Flat No. 31,
Rajeev Gruhakalpa, Almasguda,
Lenin Nagar, Hyderabad.

... Respondents

Counsel for the Applicant ... Mr. Ch. Jagannatha Rao

Counsel for the Respondents ... Sri T. Sambasiva Rao, Advocate
for Sri V. Vinod Kumar,
Sr. CGSC

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 for not paying the death benefits due.
3. Brief facts of the case are that the mother of the applicant, while working in the respondents organization, passed away on 01.01.2019. Applicant is the sole dependent on his late mother. Consequently, he made a claim for death benefits. However, the father of the applicant, 3rd respondent herein, who is living separately with his second wife, has made a claim for the death benefits and family pension of the deceased employee. Applicant has represented on 18.01.2019 to the respondents to release death benefits and pension to him as he was dependent on his late mother.
4. The contentions of the applicant are that the 3rd respondent is not taking care of the applicant as well as his grandmother since long years and even after the demise of the applicant's mother, the 3rd respondent is not taking care of them. Applicant claims that, he has no source of livelihood. The 3rd respondent by approaching the officers in the respondents is trying to get released the pension and death benefits in his favour.
5. The respondents, in their reply statement, inform that the applicant has made a representation on 18.01.2019 for family pension and death

benefits to be released to him. The respondents further state that the deceased employee has nominated the applicant's father for receiving Gratuity, GPF, CGEGIS in the event of her death. The respondents were not informed about the second marriage of his father. On receipt of the claim from the applicant, the respondents addressed the father of the applicant Sri A. Jithender Rao requesting him to clarify on the issue. As the applicant has not produced any evidence about the father being re-married, the respondents have not released the family pension or the death benefits to either the applicant or his father.

6. Heard both sides and perused the material papers placed on record.

7 (I) The respondents confirm that the deceased employee has nominated the father of the applicant to receive family pension and death benefits. They also addressed the father of the applicant to clarify on the issue. The father of the applicant Sri A. Jithender Rao is also arrayed as 3rd respondent to the OA. However, there is no representation on his behalf contesting the OA.

(II) When the case came up for hearing today, the applicant produced an affidavit of his father, duly notarized on 20.02.2019, which reads as under:

"I, ARUMALA JETENDRA RAO, S/o. late Shri SHYAM RAO, aged 49 years, Resident of Flat No. 31, Block No. 15, Rajiv Gruha Kalpa, Almsguda, Hyderabad, hereby state that I have married again in 2015 to Ms. RAMYA and was blessed with a baby boy in 2016. I have been staying with my Second wife from 2015 onwards.

My First wife Mrs. HEMA NALINI, has expired on January 1, 2019 and she was working for AG's office, Hyderabad. I wish to declare that I have no interests in her full and final settlement amount including pension benefits and the job which is likely to be awarded on compassionate grounds. I give my unconditional consent on my free will of all the benefits of my late wife Mrs. HEMA NALINI, to my son, Mr. JUGAL MANIKANTH.

*Sd/xxx
Deponent
A. JITENDER RAO)"*

The affidavit clearly demonstrates the intention of the father (3rd respondent) to bequeath the benefits that accrue to the applicant due to the demise of ex-employee. This document provides the leeway to consider the request of the applicant to grant relief due.

(III) In view of the above affidavit of the father of the applicant, the respondents are directed to verify the same and then, release the family pension and death benefits to the applicant, in accordance with law, within a period of three months from the date of receipt of this order.

(IV) With the above directions, the OA is allowed. There shall be no order as to costs.

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

Dated, the 25th day of June, 2019

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