

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

Original Application No.21/01209/2018

Date of Order: 11.06.2019

Between:

B. Deepa, D/o. B. Indusekhar Rao, Gr.C,
Aged about 37 years, C/o. Plot No. 152, Dr. A.S. Rao Nagar,
Near Sai Baba Temple, Sainathpuram,
ECIL, Hyderabad.

... Applicant

And

1. Union of India, Rep. by the Secretary,
Department of Posts,
M/o. Communications & Information Technology,
Dak Sadan, Sansad Marg, New Delhi.
2. The Chief Post Master General,
AP Circle, Dak Sadan, Hyderabad.
3. The Senior Superintendent, RMS,
Sorting Division, Kachiguda, Hyderabad.

... Respondents

Counsel for the Applicant ... Mr. M. Srikanth

Counsel for the Respondents ... Mrs. K. Rajitha, 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 applicant is the widowed daughter of the deceased employee, who worked for the respondent organization. The deceased employee who passed away on 12.05.2011 had some differences with his wife and a divorce decree was issued vide OP No. 917/2008, dt. 11.03.2011. After the demise of the ex-employee, the mother of the deceased employee filed a case vide OP No. 50/2012 before the court of the I Senior Civil

Judge, City Civil Court at Hyderabad, seeking succession certificate in her favour to the extent of 50% of the terminal benefits. The applicant, being dependent on the late employee, claim that she is eligible for family pension. The grandmother of the applicant is already receiving family pension based on the employment of her late husband. At the moment, the applicant has no source of income and she is only dependent on the family pension. The inaction on the part of the respondents in granting family pension has led to the filing of the present OA.

3. The contentions of the applicant are that the other family members of the applicant are not eligible to receive family pension. Considering her financial status, at least, the respondents should have given her a job on compassionate grounds.

4. Heard learned counsel for both sides and perused the documents.

5. During the pendency of the OA, the Postal Accounts Office, Andhra Pradesh Circle, Hyderabad issued a communication to the 3rd respondent on 13.05.2019, which reads as under:

“As per the Sr. Civil Judge, City Civil Judge (under OP 50 of 2012) gave an order directing the Department of Posts to authorise terminal benefits as per the succession certificate @ 50% each to Smt. B. Hymavathi (mother of late government servant) and Smt. B. Deepa (widow daughter of late Government servant). It also directed that the interim order dated 05.11.2013 will continue till the disposal of the said OP No. 749/2012. In other words, the stay for Family Pension still continues until and unless the case No. 749/2012 is disposed. “

In the said communication, the case number is wrongly mentioned as OP 749/2012 instead of OA 749/2012 decided by this Tribunal.

6. The Original Petition 50/2012 has been decided by the competent civil court on 25.04.2014 wherein it has been spelt out that 50% of the terminal benefits be paid to the grandmother of the applicant and the balance 50%, to the applicant. Hence, the OP has been finally decided. The grandmother of the applicant is already availing family pension. As per the Department of Pension and Pensioners' Welfare (DOPPW) OM dated 11.09.2013, widowed daughters of the deceased employees are also eligible for family pension. Thus, the applicant has made out a case where her request for family pension has to be considered.

7. Keeping the above facts in view viz., finalization of OP No. 50/2012 on the file of the I Senior Civil Judge, City Civil court at Hyderabad and the DOP& PW OM dt.11.9.2013, the respondents are directed to examine the case of the applicant for release of family pension and issue a reasoned and speaking order, within a period of eight weeks from the date of receipt of this order. Accordingly, the OA is disposed of, at the admission stage. There shall be no order as to costs.

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

Dated, the 11th day of June, 2019
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