

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

Original Application No.21/1255/2018

Date of Order: 25.06.2019

Between:

Smt. Ponugupati Anantharavamma,
W/o. late P. Laxmikantha Rao,
Age: 80 years, Household,
R/o. Flat No. 203, Om Sri Sivasai Navas,
Seetha Homes, Near Sri Chaitanya Techno School,
Meerpet, Saroornagar Mandal, R.R. District,
Hyderabad – 97.

... Applicant

And

1. Union of India, Rep. by its Secretary,
Ministry of Communications,
Department of Posts,
Samachar Bhavan, New Delhi.
2. The Director of Accounts (Postal),
Hyderabad, Postmaster General HQ Region,
Hyderabad – 01.
3. The Senior Superintendent RMS,
Department of Posts, Hyderabad Sorting Division,
Hyderabad – 27.

... Respondents

Counsel for the Applicant ... Mr. M. Srinivas Rao

Counsel for the Respondents ... Smt. D. Shobha Rani, Addl. 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 challenging the action of the respondents in not releasing the death benefits.

3. Brief facts of the case are that the daughter-in-law of the applicant Smt. N.Venkata Lakshmi Padmavathi along with her husband Sri P.V. Nagabushanam (son of the applicant) went over to Chardham on pilgrimage where in flash floods, they breathed their last. Consequently, the applicant being the sole heir of the family, approached the respondents for family pension and terminal benefits. The respondents granted family pension to the applicant as her son Mr.P.V. Nagabushanam worked for the respondents. In respect of her daughter-in-law, applicant claimed death benefits as she was the only legal heir to make such a claim. The respondents informed that as per rules, there is no provision for grant of family pension. However, the 2nd respondent has directed the applicant to produce a succession certificate on 24.02.2015. Accordingly, the applicant submitted a succession certificate. Till date, the death benefits have not been released and hence, the OA.

4. The contention of the applicant is that, as per the directions of the respondents, she has produced the succession certificate and therefore, there should be no reason for the respondents in not releasing the death benefits due.

5. The respondents resist the contention of the applicant by stating that there is no provision in the rules to release the death benefits to the mother-in-law of the deceased employee. Hence, the same could not be considered.

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

7 (I) It is a fact that the family members of the applicant i.e. son, daughter-in-law and grant daughter have died due to flash floods at Kedarnath, Uttarakhand on 16.06.2013. The applicant approached the respondents requesting to release death benefits pertaining to her daughter-in-law. The respondents vide their letter dt. 24.02.2015 have endorsed as under:

“As regards payment of gratuity consequent on demise of your daughter in law, you are not nominated, not entitled to receive the same. As such you are advised to obtain succession certificate issued by competent court of law.”

As per the directions of the respondents, the applicant has submitted succession certificate issued by the Principal Senior Civil Judge, RR District on 18.01.2017 vide OP No. 44/2016, wherein the applicant was empowered to collect amounts from the respondents, due on behalf of her son and daughter-in-law, lying with the respondents 1 to 3 therein. In the said succession certificate, apart from other amounts, the applicant is also empowered to receive GPF, Death Gratuity, Un-utilised Earned Leave Salary, CGEGIS Fund and other benefits of late N.V.L. Padmavathi at Sl. No.10 of the order. Having fulfilled the direction of the respondents, it is not understood as to why the terminal benefits have not been released to the applicant. Moreover, in the context of succession certificate granted by a competent court.

Hon'ble Supreme Court in S.I. Rooplal and Anr. Lt. Governor through Chief Secretary of Delhi & Ors., 2000(1) SCC 644, has held as under:

“This Court has laid down time and again that precedent law must be followed by all concerned; deviation from the same should be only on a procedure known to law.”

Thus, the judicial orders issued by Hon'ble Courts have to be abided by. In the present case, the respondents were also made parties to the OP filed by the applicant. Hence, the order of the Hon'ble Court has to be honoured.

II. In view of the above stated facts, the respondents are directed to release to the applicant, the death benefits due to be paid on behalf of the deceased employee late N.V.L. Padmavathi, within a period of three months from the date of receipt of this order.

III. 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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