

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

Original Application No.20/163/2018

Reserved on: 17.06.2019

Pronounced on: 18.06.2019

Between:

Smt. R. Nagamunemma, W/o. late Sri R. Ganganna,
(Ex.Sub Postmaster, Halavi Sub Post Office,
Under Adoni Head Office, Kurnool Postal Division
At Kurnool), aged about 61 years, Resident of
H. No. 2-107, Mylavaram Village and Post,
Mylavaram Mandal, Kadapa District, Andhra Pradesh.

... Applicant

And

1. The Superintendent of Post Offices,
Kurnool Postal Division at Kurnool.
2. The Post Master, Adoni HO, Adoni,
Under Kurnool Postal Division, Kurnool.
3. The Director of Postal Services,
O/o. The Post Master General, Kurnool Region,
Kurnool.
4. The Chief Post Master General,
A.P. Circle, Vijayawada.
5. The Director of Accounts, Postal,
A.P. Circle, Hyderabad.
6. Union of India, Rep. by the Director General,
Department of Posts, New Delhi.

... Respondents

Counsel for the Applicant ... Mr. K. Venkateswara Rao

Counsel for the Respondents ... Mr. Venkanna, Advocate,
For Mr. A. Radhakrishna,
Sr. PC for CG

CORAM:

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

ORDER

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

2. OA is filed for non grant of family pension, death gratuity, etc to the applicant.

3. Husband of the applicant passed away while working for the respondents organisation as Sub Post Master. Being the nominee, applicant claimed for terminal benefits on 23.10.2017 but the same was rejected vide respondents letter dated 27.11.2017, stating that there was a counter claim from Smt.J. Sujatha who filed SOP No.8 of 2015 and the applicant filed SOP 9/2015 on the file of the Senior Civil Judge, Kurnool, which are yet to be adjudicated. However, since the applicant being the official nominee, respondents withholding the terminal benefits is illegal and hence, the OA is filed for redressal of the grievance.

4. The contentions of the applicant are that the deceased employee has nominated the applicant for DCRG, GPF, CGEIS, etc and hence they have to be released to her along with family pension.

5. Respondents confirm that in Form 3 submitted by the deceased employee, the name of the applicant was shown as wife, but without any initial. When the terminal benefits were being processed for release, legal notice dt. 23.05.2013 was received from Smt R.Sujatha claiming that she is the legally wedded wife of the deceased employee and that the terminal benefits should not be released till the competent court decides the issue. Besides. one more lady by name Smt K. Mahadevi had also issued legal notice dt. 26.07.2013 claiming that she is the legally wedded

wife. At the moment, the applicant and the rival claimants have filed SOPs before the competent court which are pending. Earlier, the applicant has filed writ petition No.25846/2014 in the Hon High Court for the State of Telangana and for the State of A.P, which was dismissed. Therefore, till the civil cases filed are disposed, respondents are handicapped in taking any decision in the matter.

6. Heard both the counsel and perused the material papers submitted.

7 (I) It is not in dispute that both the applicant and the rival claimant Smt. Sujatha have filed civil cases bearing the numbers SOP Nos.9/2015 and SOP 8/2015 before the competent civil court on the issue of legal heir. Applicant has also moved the Hon'ble High Court for the State of Telangana and for the State of A.P. in W.P. No.25846/2014, which was dismissed observing as under:

“As discussed above, the petitioner, being the nominee, is not entitled to claim exclusive right over the death benefits payable consequent upon the death of Ganganna and she is entitled to share, if any, subject to the law governing succession of the petitioner and subject to proof of her relationship with deceased Ganganna as on the date of death. Hence the petitioner is not entitled to claim any exclusive right over the death benefits payable by respondent no 1 and 2 consequent upon the death of Ganganna and, therefore , the writ petition is devoid of merits and deserves to be dismissed.”

Therefore, the matter has been resolved by the High Court observing that the issue has to be decided by the law governing succession.

(II) The leaned counsel for the applicant has submitted that though not family pension, at least other terminal benefits could be

considered for release on the strength of the applicant being the nominee. Nomination only indicates the hand which is authorised to receive any amount due. The amount, however, can be claimed by the legal heirs in accordance with the law of succession. Tribunal draws support from the observation of the Hon'ble Apex Court made in this regard as under:

i) Shipra Sengupta v. Mridul Sengupta, (2009) 10 SCC 680 :

“14. In Sarbati Devi this Court has laid down that a mere nomination does not have the effect of conferring to the nominee any beneficial interest in the amount payable under the life insurance policy, on death of the insurer. The nomination only indicates the hand which is authorised to receive the amount on payment of which the insurer gets a valid discharge of its liability under the policy. The amount, however, can be claimed by the heirs of the assured in accordance with the law of succession.

15. The appellant also placed reliance on the judgment of this Court in Vishin N. Khanchandani v. Vidya Lachmandas Khanchandani, wherein this Court held that:

*“13. ... the law laid down by this Court in Sarbati Devi holds the field and is equally applicable to the **nominee becoming entitled to the payment** of the amount on account of National Savings Certificates received by him under Section 6 read with Section 7 of the Act **who in turn is liable to return the amount to those in whose favour the law creates a beneficial interest**, subject to the provisions of sub-section (2) of Section 8 of the Act.”*

*16. Learned counsel for the appellant also placed reliance on a Division Bench judgment of the Delhi High Court in Ashok Chand Aggarwala v. Delhi Admn. This case related to the Delhi Cooperative Societies Act. The High Court while following Sarbati Devi case held that it is well settled that **mere nomination made in favour of a particular person does not have the effect of conferring on the nominee any beneficial interest in property after the death of the person concerned. The nomination indicates the hand which is authorised to receive the amount or manage the property. The property or the amount, as the case may be, can be claimed by the heirs of the deceased, in accordance with the law of succession governing them.**”*

Therefore, it is explicit that mere nomination will not confer the beneficial interest of the applicant in regard to settlement benefits in question.

(III) Hence, in view of the lucid direction of the Hon'ble Court in the matter and the observation of the Hon'ble Supreme Court in regard to nomination, the applicant has to obtain the succession certificate from the competent court to be eligible to make a claim. Besides, it is also noticed that Smt. Sujatha has not been made a party to the OA. Therefore, on grounds exposited supra, the OA is devoid of merit and hence dismissed with no order as to costs.

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

Dated, the 18th day of June, 2019

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