

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

Original Application No.021/0525/2019

Date of Order : 03.07.2019

Between :

Smt.K.Kamala Devi, W/o Late K.Hanumantha Rao,Gr-C,
Age : 66 years, C/o T.M.Rao, H.No.6-3-595/47,
Suryavilla Apts-101, Padmavati Nagar, Khairatabad,
Hyderabad – 500004. ... Applicant.

And

1. Union of India, Ministry of Communications & IT
Department of Telecommunications, Rep. by
Principal Controller of Communication Accounts,
Government of India, Telephone Exchange Bhavan,
Bolakpur, Kavadiguda, Hyderabad.

2. The Chief General Manager, Telecom,
Doorsanchar Bhavan,
Nampally Station Road, Abids,
Hyderabad – 500001.

3. The Principal & Principal General Manager,
Regional Telecom Training Centre (RTTC),
Gachibowli, Hyderabad.

4. The Communication Accounts Officer (Pension-I),
O/o The Principal Controller of Communication Accounts,
T.S.Circle, Hyderabad – 500 001.

5. The Divisional Engineer (Admn.),
O/o Principal, RTTC, BSNL, Gachibowli,
Hyderabad.

6. The Senior Accounts Officer (Pension),
O/o the Pr.CCA, Hyderabad – 500080. ... Respondents.

Counsel for the Applicant	...	Mr.Mr.T.S.Venkata Ramana, Advocate
Counsel for the Respondents	...	Mrs.K.Rajitha, Sr.CGSC

Mrs.T.Sridevi, SC for BSNL

CORAM:

Hon'ble Mr.A.K.Patnaik

... Member (Judl.)

Hon'ble Mr.B.V.Sudhakar

... Member (Admn.)

ORAL ORDER

A.K.Patnaik, Member (Judl.):

Heard Mr.K.R.K.V.Prasad representing Mr.T.S.Venkata Ramana, learned counsel for the applicant, Mrs.K.Rajitha, learned Sr.CGSC and Mrs.T.Sridevi, learned standing counsel appearing for the BSNL.

2. This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following relief :

- (i) To declare the proceedings No.RHD/Corr/On.Retd.Employees/2015-16/79 dated 27.11.2018 issued by respondent No.5 as illegal, arbitrary, void, contrary to the rules and law laid down by Apex Court.*
- (ii) Consequently direct respondents 2 to 6 to release the pension amounts along with arrears to the applicant with all consequential benefits.*
- (iii) To pass such other orders as this Hon'ble Tribunal deems to be fit and proper in the circumstances of the case."*

3. Learned counsel for the applicant brought to our notice the impugned order annexed to the OA as Anx-A-1 dated 27.11.2018, which goes on to say that the applicant has to submit succession certificate from a competent civil court for examining the case of the applicant for getting pension and other benefits. Learned counsel for the applicant submitted that when the applicant is

the wife of the deceased employee, then question to submit the succession certificate does not arise. The deceased employee has submitted Form No.3 on 14.02.2017 mentioning the name of the applicant as his legally married wife and no other person is claiming pension. As the applicant is a lady of 67 years old, she should not be harassed to bring the succession certificate from a competent civil court. We are satisfied with the submissions made by the learned counsel for the applicant.

4. On the other hand learned counsel for the respondents vehemently opposed the said submissions made by the learned counsel for the applicant. The respondents submitted that in spite of certain directions, the applicant is not coming to the office to submit the papers, for which the pension papers were not forwarded.

5. In view of the above, the applicant is directed to approach the Respondent No.2 within a period of 15 days from the date of receipt of a copy of this order and submit the documents whichever in her possession. Thereafter, R-2 will consider her case, without insisting for succession certificate, as there is no objection from any other claimant, and grant family pension to the applicant within a period of six weeks thereafter, if she is otherwise eligible.

6. With the aforesaid observation, the OA is disposed of at the stage of admission. There shall be no order as to costs.

7. Copies of the order be handed over to the learned counsel for both the parties. Applicant is granted liberty to bring a copy of this order and submit to R-2 at the time of her appointment with him, for releasing the family pension.

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

(A.K.PATNAIK)
MEMMBER (JUDL.)

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