

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

Original Application No.20/728/2019

Date of Order: 16.08.2019

Between:

B. Shantha Kumari
w/o Late B. Peturu
Aged about 45 years
R/o H.No.22-71, China Peta
Achanta Mandal, West Godavari District
Andhra Pradesh – 534123.

.... Applicant

AND

1. Union of India rep by Secretary
Department of Telecommunications
20 Ashoka Road, New Delhi – 1.
2. The Bharat Sanchar Nigam Limited
Rep by its Chairman cum Managing Director
BSNL Corporate Office, Barakumba Road
Statesman House, New Delhi 1.
3. The Chief General Manager
Andhra Pradesh Circle, BSNL Bhavan
Chuttugunta, Vijayawada.
4. The General Manager Telecom District
Eluru, West Godavari District.
5. The Sub Divisional Officer
Palakol, West Godavari District.

... Respondents

Counsel for the Applicant ... Dr. A. Raghu Kumar
Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC for R-1
Mr. M.C.Jacob, SC for BSNL

CORAM:

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

ORAL ORDER

2. The OA is filed for not granting family pension.

3. Factual matrix is that the husband of the applicant, who died on 12.11.2017, while working as regular Mazdoor in the respondents organisation, was convicted and awarded Rigorous Imprisonment (R.I.) for a period of one year by the Special Judicial Magistrate, Palakol on 10.2.2000. Respondents thereby dismissed the late employee on 3.3.2001. However, on appeal the appellate court acquitted the late employee on 18.5.2004. Late employee filed W.P.No.20903/2005 which on transfer to the Tribunal as TA No.56/2012 was allowed on 13.7.2012, directing the respondents to reinstate the late employee treating the period from the date of removal till the date of conviction as dies-non. Late employee moved the Hon'ble High Court for wages and as per the orders of the Hon'ble High Court back wages, to the extent of 50 %, were paid for the period from removal to the date of acquittal. After the death of her husband on 12.11.2017, applicant represented on 17.1.2019 for payment of family pension. As the same was not paid, the OA has been filed.

4. The contentions of the applicant are that the non-payment of family pension is violative of the Articles 14, 16, 21 and 300-A of the Constitution of India.

5. Heard both the counsel and perused the pleadings on record.
6. Applicant's husband was acquitted in the criminal case and based on the order of this Tribunal and that of the Hon'ble High Court, her husband was reinstated and paid back wages to the extent of 50 percent back wages for the period he was not in service due to the criminal case. On the death of her husband, applicant represented for family pension but the same has not been released. In view of the said circumstances applicant is directed to submit a comprehensive representation stating the facts, rules and the various judicial pronouncements on the subject within a period of two weeks from the date of receipt of this order. On receipt of the said representation, respondents are directed to dispose of the same within a period of 8 weeks, by issuing a speaking and a well reasoned order.

With the above direction, OA is disposed of at the admission stage with the consent of both the counsel, without going into the merits of the case. There shall be no order as to costs.

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

Dated, the 16th day of August, 2019

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