THE HON'BLE SRI JUSTICE G. CHANDRAIAH

AND

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No. 25345 of 2004

ORDER: (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed by the State challenging the orders dated 18.12.2003 in OA.No.3235 of 1999 with VMA No.497 of 1999 on the file of the A.P. Administrative Tribunal.

2. Briefly narrated, the facts of the case are as follows:

The applicant, who is the wife of the deceased-employee, approached the Tribunal by way of filing the aforesaid O.A., praying to call for the records relating to Lr.AO/LF.No.A1.1440/98-99 dt. 19-3-1999 issued by the Audit Officer, Local Funds, Nalgonda, and quash the same and consequently declare that the applicant is entitled for payment of differential amount of Rs.40,000/- of Group Insurance Scheme of her late husband together with interest @ 18% p.a., in accordance with the law laid down by the Tribunal in OA No.4786/1995, dated 20.11.1996 and OA No.1698/1995 dated 01.12.1997.

Her case before the Tribunal was that her husband was drawing a pay of Rs.1020/- in the scale of Rs.900-1500 as on 01.11.1984 and the school authorities deducted Rs.40/- per month from his pay till the date of his death towards Group Insurance Scheme. Her husband was appointed under the Automatic Advancement Scheme and that his pay was retrospectively revised by the 3rd respondent vide proceedings dated 14.10.1997 i.e. subsequent to the death of her husband on 07.06.1992. In the said pay fixation, the pay of her husband was fixed at Rs.2,460/- under the Revised Scales of the year 1986. It is her grievance that as her husband comes under Group A Service, the authorities should have deducted Rs.80/- per month towards Group Insurance Scheme from his pay and the respondent authorities should have paid Rs.80,000/- under the scheme on account of the death of her husband; instead the respondent authorities have deducted a lesser amount of Rs.40/- per month from the pay of her husband and paid her only Rs.40,000/- on account of his death; thereby, she was denied the differential amount of Rs.40,000/- which otherwise she would have become entitled for, had the respondents deducted Rs.80/- per month from the pay of her husband. Hence, the applicant seeks a direction to the respondents to release the differential amount of Rs.40,000/-. The Tribunal, vide the impugned orders, has upheld the case of the applicant.

3. Learned Government Pleader submits that as per the Rules mentioned in G.O.Ms.No.293, dated 08.10.1984, which deals with claims of the employees for the purpose of making claim under Group Insurance Scheme, 1984, the petitioner's claim is untenable and that is why the Audit Officer raised the objection and hence the objection raised by the 1st respondent is sustainable as it is in accordance with law.

4. It is the stand of the respondents in their counter before the Tribunal that G.O.No.292 dated 08.10.1984 permits change of Group from 01st November, and till then the contributions towards Group Insurance Scheme have to be deducted at the earlier rates only. And, in consonance of the said G.O., though the applicant's husband was promoted under Automatic Advancement Scheme with retrospective effect from 22.01.1992/01.04.1992, but however, as he was not alive as on 01st November, (since expired on 07.06.1992, i.e. before effecting change of group), a higher amount of Rs.80/- could not be deducted

from his salary. The respondents further contend that the claim of the applicant was not properly examined by the Mandal Parishad Development Officer and the same was forwarded to the Audit Officer, Local Funds, for authorisation.

5. A further reading of the impunged orders would show that the Tribunal has made a reference to its earlier orders in O.A.No.8285 of 1998 wherein the Tribunal directed to take into consideration the higher scale and determine the group, and pay the amounts due under the Group Insurance Scheme by adjusting the amounts that have been already paid and also deducting the amounts that are payable towards the differential premium on account of the higher scale and change of group. The Tribunal held that the said direction was given without regard to the G.O.No.292 dated 08.10.1984 which permits change of Group from 01st November. The Tribunal also held that on a reasonable interpretation of its earlier judgment, it is clear that the amounts have to be paid under the Automatic Advancement Scheme by deducting the amount that has been already paid and also the differential premium due under the Scheme. Hence, the Tribunal, after considering the validity of the letter dated 19.03.1999 issued by the 1st respondent, has set aside the same on the ground that the objections by the 1st respondent were unsustainable.

6. We are in agreement with the reasoning given by the Tribunal and hence we see no reason to interfere with the impugned orders.

7. The writ petition is, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending shall stand closed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

22nd December, 2015
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