

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.34212 of 2014

ORDER

This writ petition was filed seeking to declare the action of the respondents in not considering the representation of the petitioner dated 8.1.2014, not releasing the terminal benefits & pensionary benefits and not considering her claim for compassionate appointment, as arbitrary and illegal.

Petitioner is the wife of the deceased-S.Narsing Rao, who is an employee of the first respondent-Security Printing and Minting Corporation of India Limited and died. While working as Safaiwala at Security Printing Press, Khairatabad, Hyderabad, on 18.12.2013. She submitted a representation to the 2nd respondent for release of terminal benefits and an application under Right to Information Act. She also got issued a notice through her counsel on 4.2.2014 seeking terminal benefits and seeking compassionate appointment. When no action was taken, she filed O.A.No.020/0869 before the Central Administrative Tribunal, Hyderabad, but the same was returned on the ground of lack of jurisdiction. In those circumstances, she filed the present writ petition challenging the action of the

respondents in not considering the representation dated 8.1.2014.

Counter-affidavit is filed on behalf of the 2nd respondent admitting the receipt of representation dated 8.1.2014. It was also stated that the petitioner submitted a copy of the F.I.R No.472 of 2013, dated 18.12.2013, wherein it was stated that S.Sujatha claim to be the wife of said S.Narsinga Rao, who is also husband of the petitioner herein. It was further stated that Narsinga Rao married the said Sujatha in the year 1999 with the consent of the petitioner and that through him she begot two children viz., S.Harinath, aged about 13 years and S.Mahalaxmi, aged about 5 years. On 18.12.2013, the said Narsinga Rao came to the house of Sujatha in an unhealthy condition suffering from fits, and died on the same day and his dead body was sent to his mother's house.

Thus, it is evident that the deceased Narsinga Rao was having two wives. The petitioner is the first wife and said Sujatha is the second wife and through her he begot two children. As per Hindu Marriage Act, 1955 (for short 'the Act'), the second wife is illegitimate and she is not entitled to any service benefits, but as per Section 16 of the Act, the children born through illegitimate marriage, are entitled to the

properties owned by the deceased. Hence, they can be treated as legal heirs to him. Thus, there are three legal heirs to the deceased including the petitioner. In those circumstances, she was asked to produce a succession certificate in the Court of Law. It was also submitted by the respondents that they received a notice through the petitioner's counsel on 4.2.2014. The deceased while working with the 2nd respondent filed nomination dated 29.1.2000 declaring the said Sujatha as his wife, but not the petitioner and she is entitled to all the benefits in the event of his death while in service. In all the papers, the deceased mentioned that the said Sujatha as his wife, but while claiming medical benefits under the Central Government Health Scheme, the name of the petitioner was also mentioned. In view of the confusion, the respondents could not take any action. The said Sujatha also filed a letter before the 2nd respondent on 10.1.2014 claiming that she is the wife of the deceased and is having two children and she is entitled to all statutory and service benefits. She enclosed a copy of the Aadhar Card. She also filed a notarized affidavit of her elder brother along with a letter to the 2nd respondent that she and her two children are the legal heirs of the deceased employee. With regard to the claim for compassionate appointment on the

death of the deceased employee, the deceased employee is a Central Government Optee and as he was working in the 2nd respondent, he was redeployed by DOPT (Department of Personnel and Training) and as such the request to compassionate appointment has to be considered by the Central Government.

Learned counsel appearing for the petitioner submits that in view of decision of the Supreme Court in *Rameshwari Devi v. State of Bihar and others*¹, the respondents can cause an enquiry with regard to the claims of the parties and decide according to their enquiry.

It is clear from the averments made in the counter-affidavit that the deceased Narsinga Rao claimed the benefits under Central Government scheme by showing the name of the petitioner. The petitioner is not having any children. However, it appears that Narsinga Rao married one Sujatha and through her two children were born. The said Sujatha claimed benefits and filed some documents.

In the circumstances, the respondents are directed to consider the claim of the petitioner and the said Sujatha by making necessary enquiries by asking the parties to produce the

¹ MANU/SC/0043/2000

evidence in support of their claims and take action for disbursement of the death benefits in accordance with law, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

31st August, 2016
rkk



JUSTICE A.RAMALINGESWARA RAO