

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.283 of 2014

ORDER:

1. The petitioner is the wife of one Nakka Narsinga Rao, who worked as General Mazdoor in RK-I Incline of the 1st respondent Company. He died on 30.12.1997 while in service. The petitioner being the wife of the deceased is entitled for terminal benefits. It appears that the respondents paid only CMPF amount and for payment of balance terminal benefits when the respondents insisted for succession certificate, the present writ petition was filed.

2. The respondents filed a counter-affidavit stating that the petitioner's husband was appointed on 06.10.1970. He died on 28.10.1997 while working as General Mazdoor at RK-I Incline, which was closed long back. The husband of the petitioner executed nomination paper for receiving the terminal benefits by the wife. The claims like Coal Mines Provident Fund and Widow Pension will be settled by the Regional Commissioner, Coal Mines Provident Fund and it is not within the administrative control of the 1st respondent. Accordingly, the claims were forwarded to the concerned agency. After forwarding the claims, the son of the said Nakka Narsinga Rao submitted a representation stating that the petitioner left the company of his father 15 years before his death and she remarried another person through whom two sons and one daughter were born out of the second marriage. He requested for settlement of the terminal benefits only after settlement of the matter between both of them. In those circumstances only, she was asked to submit a succession certificate. The son of the said Nakka Narsinga Rao submitted another representation on 09.12.2008 retracting from the earlier representation and requested for release of the terminal benefits in favour of his mother. Accordingly, the CMPF and pension claims were processed in favour of the petitioner. Similarly, the gratuity claim was also processed and it was settled at Rs.74,856/-. The said information

was communicated to the petitioner on 12.06.2008. The petitioner over stayed in the quarter of the respondent company for 47 months over and above the permissible time and thus an amount of Rs.73,255/- is due from the petitioner. She submitted a representation on 04.09.2013 requesting for waiver of 40% of penal rent and pay the gratuity amount after deducting 60% penal rent. The matter was referred to the Corporate Office of the respondent company and the approval was communicated. The petitioner was advised to approach the 3rd respondent along with witnesses for entering into a gentleman agreement in order to release the gratuity amount. However, the petitioner did not do so. With regard to the dependent employment, if the children of the deceased were minors, they have to apply on attaining 18 years of age and within six months of such attainment. Ultimately, it is stated that in view of the peculiar circumstances of the case and non-cooperation of the petitioner, the amount could not be paid to the petitioner.

3. However, at the time of hearing the writ petition, the learned Counsel for the respondents fairly submitted that the respondents would consider the representations filed by the petitioner on 09.12.2008, 05.08.2013 and 11.11.2013 and pass appropriate orders.

4. In view of the same, this Writ Petition is disposed of directing the respondents to consider the representations of the petitioner dated 09.12.2008, 05.08.2013 and 11.11.2013 and pass appropriate orders thereon in accordance with law within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

17-08-2016

Gsn