

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33319 OF 2017

ORDER:

The case of the petitioner is that her son by name Gavireddy Srinivas was an employee worked as Sub-Staff in the Andhra Bank with Employee Code No.20454 and while working in Karimnagar Branch, he died on 17-05-2017 due to ill-health. The petitioner's son was unmarried leaving behind him the petitioner and daughter Smt.Parvathi Manga. Subsequent to the death of her son, the petitioner approached the 2nd respondent and requesting to settle the terminal benefits, gratuity and other monetary benefits pertaining to the service of her son. The 2nd respondent asked the petitioner to submit death certificate and family members certificate and the same were submitted before the respondent-authorities. The petitioner was informed that one Singampalli Eswara Rao has submitted form of nomination and said Eswara Rao is not concerned with the family members of petitioner, as the petitioner is unmarried. The respondents insisted order from the Court otherwise, they would release the amounts as per nomination form. It is stated that nomination form also given one day before death of petitioner's son. The petitioner also submitted a representation on 21-09-2017 before the authorities. As the respondent-authorities are proposing to release the terminal benefits pertaining to son of the petitioner, aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner.

Sri K.Laxmi Narsimha, Standing Counsel for respondent-bank filed counter saying that the respondent-bank has not parted any of the terminal benefits of late G.Srinivas and they are kept in the custody of the Bank itself. The respondent-bank is paying Rs.1337-88 paise per month to the petitioner towards family pension on the death of her husband and he submits that since nomination was received a day prior to death of petitioner's son, the respondents could not release terminal benefits in favour of petitioner. But pension is being paid to the petitioner and in view of the same, the respondent-bank has stopped the payment of terminal benefits in respect of son of the petitioner.

Mere nomination for receipt of money does not in any way affect the rights of the petitioner under law of succession and these aspects have to be decided by Civil Court. In view of the same, since the respondent-bank has already taken a decision to stop terminal benefits. It is open for the petitioner to approach Civil Court and obtain appropriate orders.

With the above observations, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-10-2017
Nvl



