

Met. Aug

7/18 Secy. H. 27-60,004-17-11-48.

{ PW

(1949) Department.

Ms SERIES.

G.O. NO. 3255 Edm

Dated 25/10/49

[Despatch Abstract.]

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

BEFORE THE SECRETARY TO GOVERNMENT OF MADRAS, EDUCATION & PUBLIC HEALTH DEPARTMENT.

Petition No. /49.

Janaba Sherifunnisa Begum Alias Kurshid Begum Sahib. ... Petitioners.

7291

The Petitioner above named begs to state as follows:-

1. The Petitioner is the surviving widow of the Late Janab Ghulam Ali Basha Sahib, who was employed as an assistant in the Government Madarasai Azam, Mount Road, Madras and who died on 17th March 1946.

2. The said Ghulam Ali Basha Sahib, left one house - which was under mortgage and a Provident Fund amount of about Rs.3,000/- as his only assets and credits to the benefit of the Petitioner and his other heirs. He left, apart from the Petitioner the following heirs. 1) Pasha Begum. - Eldest daughter. 2). Mahbooh Begum. - second daughter. 3) Khamrunnisa Begum - 3rd daughter. 4). Jani Pasha - eldest son. 5) Dula ri Begum - minor - fourth daughter. 6). Masood Begum - minor - fifth daughter. 7). Muntaz Begum - minor aged about 6 years. 8). Murtaza Ali Pasha- minor son.

3. After the death of the said Gulam Ali Basha, all the elders of the family put their heads together and arranged for an equitable distribution of the above said assets and a partition was effected. On 6-2-1948 a comprehensive partition deed was executed and registered between all the heirs. By virtue of the partition deed it was agreed and declared that the Petitioner and her children namely :- No. 6, 7, and 8 of the above heirs shall be entitled to General Provident Fund amount and the arrears of salary and that they alone should draw the said amount.

4. Accordingly in April 1947, the Petitioner applied to the Principal of Government Muslim College for payment out of the Provident Fund amount, Gratuity and arrears of salary of her late husband and she was informed by R.C.No.356 dated 10-4-1947 that she should secure a general succession certificate from the Court declaring her as a legal heir to receive all the amount claimed by her.

5. Therefore the Petitioner applied to the High Court of Judicature at Madras and in O.P.No.95 of 1948 obtained a certificate of succession as per the directions of the learned Principal. In the High Court all the heirs filed an affidavit of consent declaring that they have no objection to the grant of succession certificate to the Petitioner. The said Certificate was granted to her on execution of security bond for Rs.2,000/- and she was made bound to the Court for accounting for the amount collected by virtue of the said certificate.

6. On 24-4-1948 she wrote to the Account General of Madras through the said Principal and on 26-8-1948 she was informed for the first time that the Guardianship certificate is required and not the succession certificate. If she had been told the same earlier, she would have applied for the guardianship certificate straight away, instead of wasting money and funds for a succession certificate. In any event she holds a Court order and she can be paid the amount as she is the natural guardian of the minors and as she has already given security for the amount in the High Court. She shall not be penalised for, a technical defect.

7. Therefore it is humbly requested that your Honour may be pleased to enquire into the matter, examine the partition deed and the order of the Court passed in O.P.No.95 of 1948 and direct the Account General to pay the provident Fund amount and the arrears of salary and the gratuity to the Petitioner without the least hesitation.

Dated at Madras this 1st day of February 1949.

Address:-
INANDAR ABDUS SALAM, Advocate,
5, Thambu Chetty St.,
Madras.

(Signed - Inndar)
Petitioner. (K. M. Beg.)

68/2/49

Petition from Janab Sherifunnisa Begum

(17)

3

SPH/AI

Endorse 7294 A/49-1 Edm dated 4.2.49

Referred to the S.P.J. for his remarks. The reply

Order may be sent to the A.P.

TO the S.P.J. with
a copy of the order

MKS
8/2/49

8/2/49

How to
get the same
paid
8/2/49

Roc 380 J/49



95/3 ante

Office of the
Director of Public Instruction,
Madras, dated 2nd May 1949.

Sub:-- Government Provident Fund--Final closure of
account--Late Janab Ghulam Ali Basha Sahib--
Payment of amount to his wife without the pro-
duction of a guardianship certificate from a
court of law--

Ref:-- Govt. Endt. 7294-A 49/Edn. dated 4-2-1949.

Resubmitted through the Accountant-General, Madras.

2. In the circumstances stated, the amount due to the
widow may be paid without the production of a guardianship certifica-
te from a court of law but on production of an indemnity bond.

3. The widow has already obtained a succession certificate.

K. on h. m. m. i. z.

for DIRECTOR OF PUBLIC INSTRUCTION.

To : 4-5
The Secretary to Government,
Education & Public Health Department,
Madras.

Through the Accountant-General, Madras.

ARB : 4-5

6
FDS.II.A.EDN./384.. OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

Fort St. George, dated the 14th May, 1949.

three
Enclosures: One

Reference: Letter No. R.O.C. 380.J/49 dated the 2nd May, 1949 from the Director of Public Instruction, Madras regarding disbursement of the G.P. Fund deposit at credit of the late Janab Ghulam Ali Basha Sahib.

h5 ante
---x---

Forwarded.

Mr 9-10
wfr
h 16 of
G.P. Fund
1. A copy of this office reply No. Fds.4-71/48-49/2221 dated 15-9-48 to Mr. Inamdar Abdus Salam, of Ghatala & Salam, Advocates, Madras, explaining the position regarding the payment of the G.P. Fund deposits under Rule 30(1)(b) of the G.P. Fund (M) Rules, and note 1 thereunder is enclosed for information.

3. The amount payable to the six members of the Subscriber's family, who are minors is Rs.2,429-2-0.

4. It is however for Government to decide whether the shares due to the minor children of the deceased subscriber can be paid to the second wife, on her executing an indemnity bond as suggested by the Director of Public Instruction, Madras in consultation with Law Officers, if considered necessary.

P. K. Sumantra

Assistant Accountant General.

rjs.

To The Secretary to The Govt. of Madras
Education & Public Health Department

8
OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

Fort St. George, dated

194 .

No.
Enclosures.

Copy of letter No. FDS.4-71/48-49/2221.
dated the 15th September 1948 to Mr. Inamdar
Abdus Salam of Ghatala & Salam, Advocates,
5, Thamby Chetty Street, George Town, from
the Accountant General, Madras.

Sub:- Final payment of the G.P. Fund deposits
of late Janab Mir Ghulam Ali Pasha, A/C.
No. 939.Edn.

Ref:- Your letter No. Nil. dated 29-8-48.
--X--

The deceased subscriber by a declaration dated
20th June 27 nominated his son Mr. Dost Ali Saheb,
then aged 10 months, to receive his fund deposits, in
full in the event of his death. As the nominee pre-
deceased the subscriber, the nomination became null
and void - Vide Act. XI. of 1946 and the G.P. Fund
amount at the credit of the late Subscriber became
payable under Rule 30(1)(b) of the G.P. Fund (M) Rules
to the surviving members of his family, excluding
major sons, and married daughters whose husbands were
alive.

2. The amount became therefore payable to the follow-
ing members of the late Subscribers' family, in equal
shares:-

1) Jam Pasha - Son - aged 16.	1	Children
2) Noorunnissa - Unmarried daughter - 13	1	by
3) Dulari - --do-- 11	1	the
4) Masood. - --do-- 9	1	first
		wife.

- 10
- | | | | | | |
|------------------------|---|-------------|---|------|----|
| (5) Kurshidunissa. | - | Second Wife | - | Aged | 4. |
| (6) Murtuza Ali Pasha. | - | Son. | - | " | 4. |
| (7) Muntaz Begum. | - | Daughter. | - | " | 5 |

3- The share due to Kurshidunissa has already been authorised for payment. As regards the shares due to the minor children, the amount can be paid to the person(s) producing guardian ship certificate from a court of law entitling him/her/them to receive payment on behalf of the minor(s) - vide Note 1 to rule 30 of the G.P.F.(Madras) Rules.

4. In the circumstances, the payment of the amounts due can be made only on the production of the necessary guardianship certificate. The following documents sent with your letter, are returned herewith, and their receipt may kindly be acknowledged.

- Certified copy of the partnership deed.
- Copy of the security bond.
- Copy of the petition in O.P. 95/48.

/True Copy/.

Rjs.



2. Mr. D.P.J. (Lain)

Serial 2/11-2 47-6 47/15/49.

EP Hw 7294 Hw 2

30/5/49

Memorandum 7294 Hw - 3 Edm 07 8/6/49

G.P.F. - final payment of accounts of late Mr. Ghulam Ali Bashe Sahib to his widow.

From Mr. D.P.J. No 3805/47 2.5.49

A copy of the A.G.'s letter No Fds - A. Edm / 384 07 14.5.49 together with a copy of his letter No Fds - 4 - 71 - 48 - 49 / 2221 07 15.9.48 addressed to Mr. Inamdar Abdus Salam, Advocate of Ghakale and Saham, A. Advocate, is forwarded to the D.P.J. There appears to be some confusion as to the legal heirs of the late Mr. Ghulam Ali Bashe Sahib as detailed in his petition Shari'atunnisa Begum alias Kurshid Begum Sahib, his surviving widow (copy enclosed) and those mentioned in the A.G.'s letter 07 15.9.48. The D.P.J. is requested to ascertain and report who are the real legal heirs, to whom the Provident Fund amount should be paid. He is also requested to obtain and forward before copying succession certificate and partition deed.

The matter should be treated as very urgent and an early reply sent to Govt as it has been pending from 1946.

Note -

Inamdar and Legal may see

28/5/49

30/5/49 Legal

13
 The draft memo overleaf may
 be perused and the case passed on
 to legal.

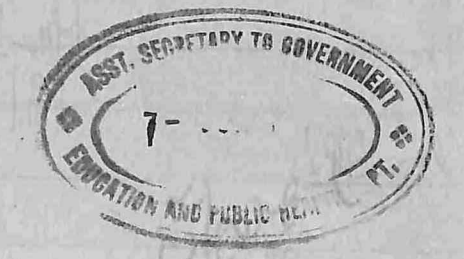
SR
 16/6/49
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 Legal
 Legal Dept
 Seen in legal
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 PH
 A.

May immediately meet legal
 7/6/49. DM
 8/6/49

Legal
 Lr 00
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 1.6.49



Legal No. 6922/49-1
 6/6/49.



4349A

100 Sp 11 A

✓ Memo 7294 A/45-4 dated 30/7/49
 - Cr. P. F. - final payment of acc. of
 late Mr. Gnanabhishekam Sahib to his
 widow
 Ref. Govt memo no 7294 A/45-2 dated 8/6/49

The D.P.F. is requested to
 state the present stage of the matter
 and when his reply to it may be
 expected.

to
 Mr S
 28/7
 In DP
 28/7

DM
 30/7/49

From

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras.

R.O.C.No. 380-J/49 dated 9th August, 1949.

General Provident Fund--Final payment of account of late Mr. Gulam Ali Basha Sahib to his widow.

Reference:-Government Memorandum No.7294-A/49-~~xx~~ 4 Education dated 30..7..1949.

The Principal, Government Muslim College, Madras, to whom the matter ~~has~~ was referred to has not yet submitted his reply. A report will be submitted to Government as soon as a reply is received from him.

Yours faithfully,

For Director of Public Instruction.

ks.10-8.

Education Department.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Roc. 380 J/49 dated 19-9-1949.

Sir,

Sub: General Provident Fund - Final Closure - Late Mr.
Ghulam Ali Basha Sahib - Payment to his widow on
production of an Indemnity Bond.

Ref: Government Memo No. 7294 A/49-2 Edn., dated 8-6-1949.

Mr. Inamdas Abdus Salam, the Advocate for the party, who was
consulted in the matter has stated that the following are the
real legal heirs.-

1. Sherifunnissa Begum - Surviving widow of the late subscriber.
2. Jani Basha Saheb - Minor son.
3. Dulari Begum - Minor daughter.
4. Masood Begum - do.
(2, 3 and 4 - through the late subscriber's predeceased first wife)
5. Mumtaz Begum - Minor daughter.
6. Murtuza Ali Pasha - son.
(5 and 6 through No. 1 the second wife of the late subscriber.)

2. "Noorunnissa" whom the Accountant-General has referred to in
his No. F. 4. 71/48-49/2221 dated 15-9-49 (copy sent with the
above Government Memo) is reported to be dead.

3. As regards the other three names Pasha Begum, Mohabboob
Begum and Khamrunnissa Begum mentioned in the petition of the
widow (copy sent with the above Government Memo) which are not
found in the Accountant-General's letter, it could be seen from
the succession certificate (enclosed) that they are all aged
23 years and more and perhaps they were married. They can
therefore have no share in the G.P.F. amount.

4. The advocate states that the persons mentioned by him
(First para above) are the only legal heirs to receive the amount.
But I consider that Jani Basha, referred to by Accountant-General as
Jam Pasha, since he is aged 19 years as per succession certificate
and has attained majority, can have no share in the G.P.F. amount.

5. Hence the list of legal heirs now furnished by the
advocate may be taken as final one excluding Jani Basha.

6. Copy of succession certificate and partition deed in ori-
ginal are submitted as called for in the above Government Memo,
which may be returned when done with.

Yours faithfully,

for Director of Public Instruction.

KHR. 21-9.

1942 August Cr P. f. - Late ^{Tanab} Mr. Chulam Ali Basha ~~Sahib~~ - Final payment to his widow on execution of an indemnity bond - Ordered

54/15-10
p 7 CF
p 17 CF

Petition from Sherifunnisa Begum & nil from the A. G. No F.D.S. II. A. Kdn/384 & 11.5.49
DPI No 380 J/49 & 19.7.49

Order/MS 3255 Ddn & 25.10.49

precedent p 7 CF
Crossed out
38.6.49
out of below

A Sum of Rs 2429-2-0 (Rupees Two thousand four hundred and twenty nine and annas two only) standing to the credit of the late Tanab Chulam Ali Basha ~~Sahib~~ in the Cr. P. F. is payable to his widow Sherifunnisa Begum and his four minor children, Dulari Begum, Masood Beg, Muntaz Begum and Murtaza Ali Pasha, who are under the care and protection of his widow. As Sherifunnisa Begum has pleaded inability to incur the expenditure involved in obtaining a Guardianship Certificate from a Competent Court, sanction is accorded to the payment to her on behalf of the four minor children of the sum referred to above on her executing an indemnity bond signed by two sureties agreeing to indemnify the Govt against any subsequent claim, each surety having assets which are not less than the sum payable.



The DPI (with enclosure) field P & Q
A. G. No 49
For Dept
19/10/49
7294 M/4-3
14/10/49

14/10/49
Note: Legal & Fin may see for acceptance
14/10/49
Legal
Finance

Seen in legal

B
17.10

Legal Dept

Finance

Fin (Pen)

Legal 20.13/44/49-1
17.10.49

The draft order overleaf may be accepted.

Cis

19.10.49

Ed. H.



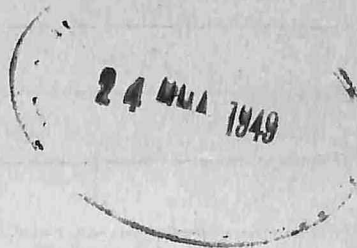
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24/10/49

Am 00. 69113 Pen-1
19.10.49

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