

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.456/2019 with MA No.470/2019

This the 08th day of January, 2020

Sumitra W/o. Late Shri Prafulchandra Parshottam Bakhai
Aged 67 years (DOB : 06.12.1952)
Occupation : NIL
Residing at : C/o. Bhavani B. Bakhani
C-41, Khudiram Boss Township
Nr. Rail Nagar, B/h. Petrol Pump
Rajkot (Gujarat) 360 001. Applicant

(By Advocate : Ms. K.L.Kalwani)

VERSUS

1. Union of India
Through Secretary
Government of India
Department of Telecommunication
New Delhi 110 001.
2. Accounts Officer (Pension)
Controller of Communication Accounts,
Gujarat Telecom Circle, Khanpur
Ahmedabad 380 001.
3. Bharat Sanchar Nigam Limited
Through General Manager,
Opp. Nagnath Temple, Near Head Post Office,
Amreli District, Amreli- 365 601. Respondents.

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Heard. Matter is at motion hearing stage. The OA has
been preferred with MA No.470/2019 for condonation of delay.

2. Learned counsel Ms.K.L.Kalwani Advocate, appearing for applicant pressed the for condonation of delay & the OA and urged that the applicant is widow of Late Shri Prafulchandra Parshottram Bakhai and that her husband entered into service of Respondent's department in year 1964 and died in the year 1986, leaving the applicant as his widow and four children. That no retiral benefits were given nor was family pension granted by the respondents. That a representation, in the year 1992 to the respondents and vide Letter No.TAC/15/3/PPB, dated 19.11.1992 (Annexure A-1) it was informed that vide TDE Amreli letter No.E.169/A/II/166 dated 09.11.1992 it has been informed to submit claim papers with all related documents. That thereafter time and again, applicant requested the respondents authority and ultimately, on 14.12.2017 gave another representation, copy of which is annexed as Annexure A-2 and thereafter also, made another representation (Annexure A-3), addressed to Assistant Controller of Telecommunication Ahmedabad and then Accounts Officer (Pension), vide his letter No.GJT/ DOT-Cell/15/3/misc dated 02/02/18, Annexure A/5 requested AGM (Admin) to examine her case and to do the needful but no outcome has yet come and no retiral benefits and family pension has been released. Ld. Counsel urged that at this stage applicant shall be satisfied if the respondents be directed to

take final decision on her representation, dated 14.12.2017 and subsequent representation which is addressed to Assistant Controller of Telecommunication Ahmedabad, within stipulated time frame

3. Considered the submissions and perused the record. Husband of applicant died in year 1984 and as alleged no final decision about his retiral benefits and family pension to his dependents has yet been taken by the respondents. Pleading does not reveal any step before year 1992, qua retiral benefits and family pension, either by the respondents or agitating for such non grant by applicant. Letter No.TAC/15/3/PPB, dated 19.11.1992 (Annexure A-1) reveals that son of deceased was informed that he was informed to submit claim papers. Pleadings are silent whether claim papers were submitted or not. After 1992, it is the representation dated 14.12.2017 of applicant, addressed to Chairman BSNL and one subsequent representation, dated nil (Annexure A-3), addressed to Assistant Controller of Telecommunication Account (Pension), CCA DOT Cell Gujarat Telecom Region, Ahmedabad. Accounts Officer (Pension), pursuant to representation of applicant addressed Assistant Controller of Telecommunication Account vide his letter No.GJT/ DOT-Cell/15/3/misc dated 02/02/18, Annexure A/5, appears to have requested AGM (Admin) to examine the case

of applicant and to do the needful. As reveals by pleading retiral benefits and family pension has not yet been given.

4. Though about 35 years have passed after death of husband of applicant and MA for condonation of delay has also been preferred but no reason, much less cogent one has been stated in MA for condonation of delay, interestingly there is no whisper in said MA why the matter could not be agitated earlier. However, taking note of the facts that matter relates to Family Pension, undersigned taking note of the pleadings, made in the OA is of considered view that it would be in interest of justice if the OA is disposed of by giving a direction to the respondents to take final decision qua retiral benefits and family pension to dependents of their deceased employee. Respondents thus are directed to consider and to take final decision on representation dated 14.12.2017 of applicant, addressed to Chairman BSNL and subsequent representation, dated nil, addressed to Assistant Controller of Telecommunication Account (Pension), CCA DOT Cell Gujarat Telecom Region, Ahmadabad, within three months from the date of receipt of copy of this order. Needless to say decision so taken shall be communicated to the applicant.

5. In view of said observation and direction the OA & MA, both stands disposed of.

(M.C.Verma)
Member (J)

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