

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

LIBRARY

O.A/350/965/2017

Date of Order: 05.03.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Anupam Chatterjee, son of Late Dwijendra Nath Chatterjee, being Nominee and legal heir of Subodh Kumar Chatterjee (since deceased), residing at 77/B (Adjcent to 77/C) Purbachal North Road, P.O: Haltu, P.S Garfa, Kolkata - 700078.

--Applicant

Versus

1. Union of India, through the Secretary, Ministry of Environment & Forest, Department of the Establishment, Govt. of India, New Delhi - 110003.
2. The Director, Botanical Survey of India, Central Herbarium (Govt. of India) Ministry of Environmnet, Forest & Climate Change, Howrah - 711103.

--Respondents

For The Applicant(s): Mr. M. Karmakar, counsel

For The Respondent(s): Mr. A. K. Chattopadhyay, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

The applicant in this O.A, a nephew of Late Subodh Kumar Chatterjee, the ex- employee, has prayed for the following reliefs:

"a) Quash and/or set aside the purported letters Nos. CNH/2-138/Estt/652 dated 1st August, 2016 and No. CNH-2-2 (b) 47/Estt/2016-17/1472 dated 28.12.2016 as contained in Annexure "A-7 and A-9 respectively to this application.

b) A direction may please be issued upon the respondent authorities, each one of them, thei servants and/or subordinates and/or agents in forthwith produce



and/or caused to be produced the entire records relating to the applicant's case and on such production being made, render conscionable justice upon perusing the same.

c) A direction may pleased be issued upon the respondent authorities, each one of them, their servants and/or subordinates and/or agents to pay the dues of the retiral benefits ie. Provident Fund, Gratuity and other consequential benefits, if any.

d) And to pass such other or further orders as to this Learned may deem fit and proper."

2. It is an admitted fact that Subodh Kumar Chatterjee, while in service, served as Mounter in Central National Herbarium (CNH), a subordinate office of Botanical Survey of India (BSI), being appointed in the year 1960.

On 09.01.1963, he executed the nomination in favour of his wife, Smt. Bijon Bala Devi for all his service benefits. However, his wife went missing on 02.02.1971/04.01.1971; he executed a fresh nomination for GPF/DCRG respectively, in favour of the present applicant, his nephew. The employee, Subodh Kumar Chatterjee, died on 21.05.1974, as intimated by the applicant vide his letter dated 27.05.1974 and the death certificate submitted by him. However, as per the death certificate, the date of death was 21.05.1974 which got registered on the previous date 20.05.1974, which anomaly created doubt about the authenticity of the death certificate produced by the applicant.

3. After an to enormous delay of about 25 years, the applicant preferred a representation dated 22.03.1999 to stake his claim as a nominee, when by an order dated 10.02.1977, the respondents had already intimated to the applicant their inability to make payment when the wife of the deceased was



alive and not judicially separated and as per the provisions of GPF Rules, the second nomination stood invalid and nomination in favour of any other family member was not valid. In support, respondents cited the provisions of CCS Pension Rules which are as follows:

"53. Nominations:

- (1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1 or 2, as may be, as appropriate in the circumstances of the case, conferring on one or more persons the right to receive the [retirement gratuity/death gratuity] payable under Rule 50 :

Provided that if at the time of making the nomination -

- (i) the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family."


4. Further, on 07.03.1977, one Ranjit Chatterjee, cousin brother of Anupam Chatterjee, the present applicant, claimed as legal heir of the deceased.

5. It is further evident from a communication of June 1974 that the Deputy Director, Central National Herbarium (CNH) had requested the District Magistrate, Howrah to initiate necessary action to trace out Smt. Bijan Bala Debi and Kalidas Chatterjee, the wife and son of Subodh Kumar Chatterjee, the ex-fieldman, CNH. In August, 1974, the Deputy High Commissioner for Bangladesh, was also requested to help in tracing out the said two incumbents. By a communication dated 29.01.1982, the Department of Environment, Government of India, had suggested that the amount due to Smt. Bijan Bala Devi, widow of late Shri S. K. Chatterjee may be calculated



and the case may be kept pending till there is a settlement between the two countries on this subject. Long thereafter, in March 1999, the applicant approached the authorities once again for GPF/DCRG in respect of his deceased uncle Subodh Kumar Chatterjee.

The Deputy Director of Central National Herbarium (CNH) was informed by the Office of the Deputy High Commissioner, Bangladesh on 04.04.1975, reveals as follows:



"Enquiries made by the local authorities in Bangladesh reveal that Mrs. Bijan Bala Devi (Chatterjee) w/o Subodh Kumar Chatterjee and D/o Late Satish Chandra Chatterjee has been living at Magura village in Khulna district in the homestead of her father. Her son Kalidas Chatterjee had died about 10 years back. You may like to make further correspondence with Mrs. Bijan Bala Devi direct if you so desire."

6. Ld. counsels were heard and records were perused.
7. In view of the abnormal delay in approaching this Tribunal, for resurrection of his claim that stood rejected way back in 1977, and in view of the discrepancies noted in the death certificate, we find no reason to interfere with the decision of the authorities and, therefore, reject the claim of the applicant.
8. Accordingly, the OA stands dismissed. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)