

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1527 of 96

Present : Hon'ble Mr. B.P. Singh, Administrative Member

TAMINA BIBI

VS

UNION OF INDIA & ORS.

For the applicant : Dr. S. Sinha, counsel

For the respondents: Mr. S. P. Kar, counsel

Heard on : 14.8.2000

Order on : 14.8.2000

O R D E R

Heard Dr. S. Sinha, ld. counsel appearing for the applicant and Mr. S. P. Kar, ld. counsel appearing for the respondents.

2. The substituted applicant, Tamina Bibi, has filed this OA and prayed for the following reliefs :

- a) for releasing the widow pension from May 1979 at the rate which she is entitled under law;
- b) for giving interest on the amount of widow pension which she is entitled under the law to the tune of 19% on the amount.

3. The fact of the case is that the father of the applicant was seaman of S.S. Clan Buchanan and died in 1941 as per Annexure 'A'. After the death of the husband, the wife Reshoma Bibi received pension from the Govt. Smt. Reshoma Bibi also died and name of the daughter, Tamina Bibi was substituted by order dated 1.7.99 in MA 103/99. Smt. Reshoma Bibi, submitted that she has been getting pension from the Govt. w.e.f. 29.4.41 under the pension payment order dated 1.6.42 and she has been continuously getting the same. On 3.5.79 she submitted her bill for pension but the respondents refused to disburse the same without assigning any reason. The applicant

made a number of representations against that vide Annexure 'C', 'C/1' and 'C/2'. She was informed by the respondent No.3 that her petition has been referred to A.G. West Bengal but nothing happened thereafter. She did not receive any reply from the respondents and being aggrieved she filed this OA.

4. The ld. counsel for the applicant reiterated the above facts and submitted that the present substitute applicant had been deprived of the pension after the death of her mother and her mother was deprived of the same w.e.f. 1979. Her pension was stopped without assigning any reason. In spite of repeated representations she was not replied. The whole action of the respondents was arbitrary and violative of the principles of natural justice. It has deprived the applicant from getting her livelihood which is violation of Article 21 of the Constitution. She submitted that the case of the applicant is fully justified and therefore the application should be allowed by granting the reliefs prayed for.

5. The ld. counsel for the respondents raised basic objection on the application. He questioned the cause title of the OA in which the first respondent is Union of India through Secretary Ministry of Home, second respondent is Accountant General, West Bengal, third is Sub-Divisional Officer, Diamond Harbour, South 24-Parganas and the last respondent is Additional Treasury Officer, S.D. Office of S.D.O. Diamond Harbour, Treasury Account Department. The ld. counsel contested the very basis of the OA which is primarily directed against the authorities of State Government of West Bengal. On this ground he submitted that the application is baseless and should be dismissed forthwith. The ld. counsel further challenged the contents of the application in which there is no mentioning of any order of the Central Government or any representation made by the applicant to any authority under the Central Government to whom the Central Administrative Tribunal Act applies. The ld. counsel therefore pressed that the application being baseless and misplaced should be dismissed without any further consideration.

6. I have gone through the application as well as <sup>heard</sup> the submissions made by the ld. counsel for the applicant and the respondents. The facts stated in the OA and various annexures enclosed with the OA do not make mention of any order of the Central Government or any authority under the Central Government to whom the Central Administrative Tribunal Act applies. The concerned respondents are the authorities under the State Government of West Bengal. The annexures enclosed also refer to various authorities of the State Government of West Bengal. Annexures 'A' & 'B' is the PPO which has been issued by the Treasury Officer, 24-Parganas. Annexure 'C' is again a communication from officer-in-charge of Treasury, Sub-Divisional Treasury Chest, Diamond Harbour. Annexure 'C/1' and 'C/2' have been addressed to the Treasury Officer, Diamond Harbour. Annexure 'D' is also issued by Additional Treasury Officer, Diamond Harbour. These annexures also confirm the basic point raised by the ld. counsel for the respondents. I find that this application is misplaced and has been filed at the wrong forum. The Central Administrative Tribunal is not concerned with the application. The application being misplaced has no base and is fully justified for being dismissed on the same ground. Therefore I dismiss the same. However, I give liberty to the applicant to approach the proper forum in case she has got any grievance and the case is otherwise covered by the rules. I do not pass any order as to costs.

J. N. S. M.  
MEMBER (A)