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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

C.P.C. 113/2002
(O.A. 840/1996)

Date of order: 16.01.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. S. Biswas, Administrative Member.

Ms. B. Palit

- v e r s u s -

S.C. Sengupta(E. Railway)

For the applicant : Mr. R.K.C. Thakur, counsel.

For the respondents : Mr. P.K. Arora, counsel.(Alleged contemner)

O R D E R

Per Justice B. Panigrahi, VC

Upon extensive hearing of the Id. counsel appearing for the applicant as well as the alleged contemner and on perusal of the order passed by the Tribunal in O.A. 840/96 in which a direction has been issued to the General Manager, Eastern Railway to modify order of removal dated 29.4.87 of the applicant's husband to that of compulsory retirement from service and also to grant and pay all retiral benefits including amount of PF of the applicant's husband to the applicant/legal heirs as per extant rules within a period of six months from the date of communication of this order.

2. After this order was recorded, the respondents issued a letter to the applicant by asking her to receive the settlement dues in respect of her husband. Pursuant to which the applicant is claimed to have submitted all the documents to the respondents for releasing the family pension as well as other retiral dues.

3. The respondents have filed reply in this contempt petition and have stated that since the applicant's husband did was not in a pensionable job, therefore, they cannot release any family pension in

her favour rather than they are prepared to release all other benefits accrued to her husband. By showing their bonafide they also claimed to have sent a letter through the Welfare Inspector to the applicant who declined to receive the same on the ground that she is entitled to family pension. Whether the applicant can be given family pension or not cannot be adjudicated in a contempt jurisdiction. This issue can only be addressed at an appropriate stage after the applicant files an original application praying for the aforesaid reliefs. If the applicant is prepared to receive all other benefits she can avail the same subject to compliance of all other requirements within two weeks from the date of communication of this order.

4. With the above direction, the contempt petition is dropped.

S. B. C.

Member (A)

B. S. S.

Vice-Chairman.