

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CPC 81/2001

Date of order: 02.05.2002

(O.A. 1003/1997)

Present : Hon'ble Mr. B.P. Singh, Administrative Member.  
Hon'ble Mr. M.L. Chauhan, Judicial Member.

Fuljan Bewa

- v e r s u s -

Dulal Ch. Mitra

For the applicant : Mr. B. Chatterjee, counsel.

For the respondents : Mr. P.K. Arora, counsel.

O R D E R

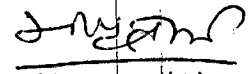
This CPC has been filed against the order dated 23.3.2001 passed in O.A. 1003/1997. The relevant portion of the order is as under:-

" I direct the respondents to enquire into the matter and to decide whether the husband of the applicant rendered service continuously more than 121 days for the purpose of attaining temporary status. If on enquiry it is found that applicant's husband attained temporary status in accordance with the rules, then wife of the deceased employee would be entitled to get family pension; otherwise not. So, I direct the respondents to decide the issue in the light of the judgment reported in 1996 ATC Vol.II 175 (Smt. G. Devi-versus- Union of India and Ors.) and to decide the question of granting family pension with reasoned and speaking order within two months from the date of communication of this order. If the decision goes in favour of the applicant holding that applicant's husband acquired temporary status, then family pension as admissible to the applicant should be granted to her from the date of death of applicant's husband. But no arrear should be paid to the applicant prior to the date of filing of the application before this Tribunal on 1.9.1997. With this observation, application is disposed of awarding no costs. Reasoned decision should be communicated to the applicant accordingly within 15 days from the date of taking decision and family pension should be paid to the applicant if decision is affirmative within two months from the date of taking decision."

Reply has been filed on behalf of the alleged contemner. It is clear from the reply that speaking order has been passed by the respondent authorities on 10.7.2001 which is beyond the stipulated period of two months from the date of communication of this order. The order was communicated on 18.4.2001 and speaking order was issued on 10.7.2001. However, for this delay the respondents have tendered unqualified apology which we accept. We find that the order of the Tribunal dated 23.3.2001 has ben complied with and there is no violation of the order.

2. In view of the above, we hereby drop the CPC proceedings against the contemners. We further direct that in case the applicant is agrieved with the speaking order, she may approach the appropriate forum for redressal of <sup>her</sup> ~~his~~ grievance. C.P.C. is <sup>of</sup> ~~disposed~~ accordingly.

  
Member (J)

  
Member (A)