

In the Central Administrative Tribunal
Calcutta Bench

MA 172 of 98
MA 171 of 98
OA 66 of 97

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Smt. Gouri Jhampati

Vs.

N.F. Railway

For the Applicant : Mr. S.K. Das, Ld. Advocate

For the Respondents: Ms. U. Sanyal, Ld. Advocate

Heard on : 2-7-98

Date of Judgement : 2-7-98

ORDER


Heard Ld. Advocate Mr. Das over an application for condonation of delay ⁱⁿ filed ^{by the applicant} for substitution of name in place of her husband late Dr. N.K. Jhampati who filed the original application for revision of pension as ~~admissible~~ ^{admissible} to him. Since it is a matter of revision of pension, thereby cause of action is running ^{on} and ^{in granting the prayer} ~~thereby~~ on that ground I do not find any impediment to the condonation of delay as prayed for ⁱⁿ ~~for~~ filing application to substitute in this regard. Accordingly, prayer of condonation is allowed. I have also heard over the application for substitution of name of Smt. Gouri Jhampati in place of her husband Dr. N.K. Jhampati who died on 1.12.97 leaving behind the applicant as his sole heir. But Ld. Advocate Ms. Sanyal for the respondents submits that the applicant is not the sole heir of the deceased employee Dr. N.K. Jhampati. Thereby, all the legal heirs of the deceased should be made parties in this case.

2. I have considered the submissions of Ld. Advocates of both the parties and I find that it is a matter of substitution of ^{the} name of Smt. Gouri Jhampati in place of her husband and she is claiming statutory

Contd....

benefit of pension as admissible to her due to death of her husband who filed the original application for revision of pension as claimed in the application. So, I allow the prayer of substitution in respect of applicant No.1 with a liberty given to the applicant to file appropriate application for substitution of other legal representative of the deceased, if she thinks fit and proper. Accordingly, both the MA applications are disposed of after setting aside the abatement.

The original application is admitted for hearing. Respondents are directed to file reply within 4 weeks from to-day.


(D. Purkayastha)
Member (J)