

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 165.....

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SECTION OFFICER (Judl.)

Sahita
6.12.17

uitreoo

FORM NO.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::::::::: GUWAHATI

ORDER SHEET

Original APPLICATION NO165.....OF 2001.

Applicant (s) Sri Sudam Kr. Dm

Respondent (s) V.O.I Pans

Advocate for Applicants (s) Sri B.C. Dm


Advocate for Respondent (s) case.

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

Application is in form
of condonation
Petition is filed vide
M.P. No. C.F.
for Rs. 50/- deposited vide
IPO/BS No. 56422528.
Dated.....3.5.2001

45.2001

Heard Mr B.C. Das, learned counsel
for the applicant. The application is admitted.
Call for the records. List for orders on 1.6.01.


Vice-Chairman

Dy. Registrar

nk m

18.5.01

Four weeks time is allowed to the
respondents to file written statement.
List on 22.6.01 for order.


Member

pg

List on 25.7.01 to enable the
respondent to file written statement.


Vice-Chairman

Notice is prepared and
sent to 3/section for 22.6.01

Issuing to the R-164.

1724 to 1727 dtd.

16/5/01

14/5/2001

lm

① Service report are still
awaited.

② No. of has been filed.

21/6/01

Steps received
Dy. Registrar

No. written statement
has been filed.

By
24.7.01

25.7.01 The respondents has not yet filed
written statement. The matter pertains
to pensionary benefit.

List on 14.9.2001 for hearing.
The respondents may file written state-
ment by that time.

No. wks has been filed.

By
13.9.01

Vice-Chairman

pg

14.9.01 List on 19.9.01 for hearing.

Vice-Chairman

lm

19.9.01 The matter pertains to granting of
pension. The respondents are yet to file
written statement nor any positive
instructions are made known to the
Tribunal. List the matter on 12.10.2001.
In the meantime the respondents may file
written statement.

Vice-Chairman

trd
12.10.01

Mr.B.C.Pathak on behalf of Mr.A.Deb
Roy, learned Sr.C.G.S.C for the respondents
submits suggests that records are with Mr.A.Deb Roy
who has been hospitalised. He prays for time.

Prayer accepted. The learned counsel
for the applicant has no objection. List the
case on 7.12.2001 for hearing.

K C Sharma

Member

bb

Vice-Chairman

No. wks has been filed.

By
6.12.01

37
3
O.A.165/2001

Notes of the Registry

Date

Order of the Tribunal

7.12.2001

Heard Mr.B.C.Das, learned counsel for the applicant and Mr.A.Deb Roy, learned Sr.C.G.S.C for the respondents.

Mr.Das submitted that the applicant has not been getting pension since 1992. In the meanwhile he had also attained the age of 25 years and now his brother ^{who} is below 25 years and is entitled to pension. The respondents have not filed written statement yet. Mr.A.DEB Roy submits that if some time is allowed, he will obtain necessary instnauotion.

List on 11.1.2002 for hearing.

J
Member (J)

K. Ullha
Member (A)

bb

No. Written Statement
has been filed.

320
10.1.02.

W/s has been filed
on behalf of the
respondents at p.
22-30 with appcaune.

MS
28/1/02

11.2.02

On the prayer of Mr.A.Deb Roy,
Sr.C.G.S.C. case is adjourned to 15.2.02
for hearing.

[Signature]
Vice-Chairman

lm

15.2.02

Heard learned counsel for the parties.
Hearing concluded. Judgement delivered in the
open court, kept in separate sheets. The
application is allowed to the extent
indicated in the order. No costs.

[Signature]
Vice-Chairman

trd

14.3.2002
Copy of the Judgt
has been sent to the
Officer for checking the
due to the applicant as
well as to the Sr.C.S.C.
for the Respon
18/3

Notes of the Registry

Date

Order of the Tribunal

Handwritten notes in the left column, including dates like 1952, 1953, and 1954, and various illegible entries.

Handwritten notes in the right column, including dates like 1952, 1953, and 1954, and various illegible entries.

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 165/2001 . . . of

DATE OF DECISION 15.2.02

Sri Sudam Kumar Das APPLICANT(S)

Sri B.C.Das. ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors. RESPONDENT(S)

Mr. A.Deb Roy, Sr. C.G.S.C. ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE MR. J. K. DAS, MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5. Judgment delivered by Hon'ble Vice-Chairman.

No

Yes

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 165 of 2001.

Date of decision : This the 15th day of February, 2002.

Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

Sri Sudam Kumar Das,

Son of Late Kamala Kanta Das

Village - Phulbari Basti,

P.S. Narengi, Noonmati

District-Kamrup, Assam.

Applicant.

By Advocate Mr. B.C. Das.

-versus-

1. Union of India,
Represented by the Secretary,
Government of India,
New Delhi.
2. The Commanding Officer,
222 - Adv. Base, ORD - Depot,
C/o 99 APO
3. CDA Narengi,
Guwahati, Assam.
4. Treasury Officer,
(Pension Disbursing Officer),
Kamrup Treasury, Guwahati,
Assam.

... Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J. (V.C.).

The payment of family pension is the subject matter of controversy raised in this application. The father of the applicant late Kamala Kanta Das worked as Tailor under the respondents. At the time of his death the applicant was nine years of age and his brother and sister were infant. The mother of the applicant predeceased the father. The mother of the father namely Pramila Bala Das-grand mother was the gurdian as ordered by the District Judge, Kamrup. By order dated 29.9.1998 the grand mother of the applicant was declared gurdian for the minor sons and daughter in G.C. Case No. 74/88. The applicant was provided

family pension and accordingly he received family pension from 5.2.1985 to 29.2.1992 a sum of Rs.28,32.00 vide PPO/C/AOC/843/1991 dated 16.3.1992. It was stated in the application that the applicant in course of time suffered from psychopathic disease and on recovery the applicant took up the pension matter with the authority on several occasions. The applicant in his application also stated that he was entitled to the benefit of family pension upto 2001 i.e. till the attainment of age of 25 years and thereafter the family pension ought to have been directed in the name of his younger brother. The applicant has moved this Tribunal failing to get appropriate remedy departmentally.

2. The respondents submitted its written statement. In the written statement the respondents have fairly and clearly stated the facts. It was stated that payment of family pension was vested on the Treasury Officer, Kamrup, Guwahati. The fixation of pension as well as the extension of benefits to the applicant upto the age of 25 years is determined by the Principal PCDA (P) Allahabad. On receipt of the copy of the Original Application, respondent no.2 approached the Treasury Officer, Kamrup, Guwahati on 25.6.2001 for communicating the clarification/statement regarding discontinuation of the pension payment to the applicant. Treasury Officer, Kamrup, Guwahati vide his letter No. KTA/2000/1102 dated 5.9.2001 indicated that due to the non-withdrawal of pension amount with effect from 1.3.1992 the same had lapsed/time barred as per para 159(a) of Treasury Rule. Treasury Officer also stated that they have forwarded the matter to PPO to PCDA (P) Allahabad for necessary action. The respondent no.2 also written to PCDA (P) Allahabad vide letter No. 109/Court Case/OA-165/13/Est dated 15.9.2001 requesting to grant time barred sanction for

Contd..


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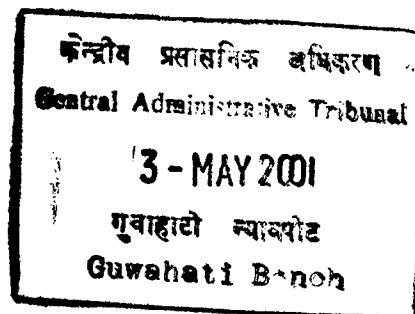
the lapsed period and also to grant family pension the applicant's younger brother- Sidam Kumar Das, since the applicant had attained the age of 25 years. The respondents stated in the written statement that on receipt of communication from PCDA (P), Allahabad, Treasury Office could take the necessary action.

3. Heard Mr. B.C.Das, learned counsel for the applicant and Mr. A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

4. From the materials on record it transpires that the matter is pending before the PCDA (P), Allahabad. There is no justification for keeping the pension matter pending so long, such matter should not brook any further delay. Be that as it may, taking into consideration the facts and circumstances of the case the respondents are directed to take appropriate measure for resolving the situation at the earliest, so that the dependents of the deceased - Kamala Kanta Das get the family pension. More so in view of the hardships of the dependent family members all the respondents are accordingly directed to take necessary steps by approaching the PCDA(P), Allahabad for early disposal of the matter. It is expected that the respondents shall take steps expeditiously to release the family pension as stated above.

With the observations made above the application stands allowed. There shall, however be no order as to costs.


(D.N.CHOWDHURY)
Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::
AT GUWAHATI.

(An Application under section 19 of the Administrative
Tribunal Acts, 1985)

Title of the Case : ORIGINAL APPLICATION No.
165/2001.

Shri Sudam Kumar Das Applicant.

~ Versus -

Union of India & Ors. Respondents.

I N D E X

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2.	-	Verfication	11
3.	'A'	Copy of Order dtd. 29.9.88 passed in G/C Case No. 74/88	12
4.	'B'	Petition No. 943/90	13 - 15
5.	'C'	Order dtd. 21.1.91	16
6.	'D'	Family Pension Book	17 - 19
7.	'E'	Payment Folio.	20
8.	'F'	Doctor's Certificate	21

For use in the Tribunal's Office.

Date of filing : 3.5.2001
Registration No. : 6.A/165/2001

Registrar.

श्री सुदाम कुमार दास

Filed by :
Bimal Chandra Das
Advocate
3-5-01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::
AT GUWAHATI .

ORIGINAL APPLICATION NO. / 2001

BETWEEN

Shri Sudam Kumar Das,
Son of Late Kamala Kanta Das,
Village - Phulbari Basti,
P.S. Narengi, Noonmati,
District - Kamrup, Assam.

29.2.92 Per
1.3.92
Hr

.... APPLICANT.

- A n d -

- 1) Union of India,
Represented by the Secretary,
Government of India,
Ministry of Defence,
New Delhi.
- 2) The Commanding Officer,
222 - Adv. Base, ORD - Depot,
C/O. 99 APO.
- 3) CDA Narengi,
Guwahati, Assam.
- 4) Treasury Officer,
(Pension Disbursing Officer)
Kamrup Treasury , Guwahati,
Assam.

.... RESPONDENTS.

স্বাক্ষরিত

12

2.

1) PARTICULARS OF ORDER AGAINST WHICH THE APPLICATION IS MADE :

This application is not directed against any particular order but is for direction to be issued to the respondents for making the payment of the arrear family pension that is due from 1.3.1992 to till date and the benefit to be given till the applicant attains the age of 25 years on 19.5.2001 as per the Central Civil services (Pension) Rules, 1972.

2) JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3) LIMITATION :

The applicant also declares that the application is within the Limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4) FACTS OF THE CASE :

4.1) That the applicant is a citizen of India and, as such, he is entitled to all the rights, protection

contd... p 3.

महोदय कोर्ट के समक्ष

and privileges as guaranteed under the Constitution of India.

4.2) That the applicant is the eldest son of Late Kamala Kanta Das, who at the time of his demise was working as a Tailor in Ext. No. 1163 of 222 Adv. Base, ORD- Depot, C/O 99 APO.

4.3) That at the time of the applicant's father's death in February, 1985 the applicant was an infant of about 9 (nine) years with his infant brother and sister having lost their mother prior to his father's death.

4.4) That your applicant states that after the death of his parents his grand-mother Smti. Pramila Bala Das started looking after the infants left behind by her deceased son.

4.5) That the grand-mother Smti. Pramila Bala Das in order to be appointed guardian of the ~~xxx~~ minors filed a suit before the Hon'ble District Judge, Kamrup, Assam for appointment of Guardian under Section 7 of the Guardians and Wards Act, VII of 1980 and whereby the suit was numbered as G/C Case No. 74/88. The Hon'ble District Judge, Kamrup, Assam by order dated 29.9.1998 was pleased to appoint Smti. Pramila Bala Das the grand-mother of the applicant as the Guardians of the minors and property

contd... p 4.

স্বাক্ষরিত/স্বাক্ষরিত

as per schedule in the application of the minors in the instant case G/C Case No. 74/88.

A copy of the order dated 29.9.88 passed in G/C Case No. 74/88 is annexed hereto and is marked as Annexure - 'A'.

4.6) That after the aforesaid appointment of Guardian ship it was detected that the age of the applicant and his younger brother were wrongly recorded in the order dated 29.9.88 passed in G/C Case No. 74/88. Subsequently the Guardian Smti. Pramila Bala Das filed another petition before the Hon'ble District Judge, Kamrup, Assam for correction of the date of birth of the minors which was registered and numbered as Petition No. 943/90. The Hon'ble District Judge, Kamrup, Assam after perusal of the petition was pleased to pass an order dated 21.1.1991 by correcting the date of birth after seeing the birth certificates granted by the President of the Gaon Panchayat from
(i) Shri Sudam Kumar Das 19.1.1978 instead of 20.5.1976
and (ii) Shri Sidam Kumar Das 20.5.78 instead of 19.1.1978.

Copies of the Petition No. 943/90 and order dated 21.1.91 are annexed hereto and are marked as Annexures - 'B' & 'C' respectively.

4.7) That the applicant states that his guardian Smti. Pramila Bala Das had approached the authority for

contd....

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5.

the said family pension and whereby the respondent No. 4 registered the name of the ~~ex~~ applicant for the payment of the family pension as per the rules and, as such, the applicant was entitled for the pension till he attains the age of 25 years, and after expiry of that period the next child shall become eligible for grant of family pension.

4.8) That the applicant states that as registered by the Treasury Officer he was entitled to receive an enhanced rate of Rs. 100/- per month and D.A. of Rs. ~~187~~ Rs. 117.50 w.e.f. 5.2.1985 to 31.12.1985 and Rs. 265/- per month and D.A. Rs. 170/- w.e.f. 1.1.1986 to 4.2.1992 and thereafter at the normal rate of Half Family Pension of Rs. 187.50 per month and D.A. w.e.f. 5.2.1985 to 19.5.2001 that is till the applicant attains the age of 25 years vide PPO/NO/C/AOC/834/1991.

Copy of the family pension Book is annexed hereto and is marked as Annexure - 'D'.

4.9) That your applicant states that the family pension which he was entitled for the period from 5.2.85 to 29.2.92 of Rs. 28,532.00 (Twentyeight thousand five hundred thirty two) was paid vide PPO/C/AOC/843/1991 by the Treasury Officer, Kamrup, Guwahati on 16.3.1992.

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6.

A copy of the payment folio dated 16.3.92
is annexed hereto and is marked as
Annexure - 'E'.

4.10) That the applicant states that from May, 1992 he was suffering from disability of mind and as a consequence he was under treatment and, as such, he could not do the day to day life work as a normal being. His guardian due to her age factor was also not able to run from pillar to post in order to make the ends of life meet. As a matter of fact the applicant being mentally unsound and guardian being overaged could pacify the authority for the continuance of the family pension as they were entitled.

4.11) That the applicant after recovery from his prolonged illness had approached for his arrear family pension to the authority numerous time but he being uneducated and poor his request always fell on deaf hears. In this regard the doctor has also issued a certificate that the applicant was under the treatment with him and now he is physically and mentally fit. It is further stated that the arrear which is due from 1.3.1992 to till date and this entitlement of the applicant will expire on 19.5.2001 as he is going to attain the age of 25 years and as per the Central

contd....

निदेशावली

7.

Civil services (Pension) Rules, 1972 - "In the case of a son, untill he attains the age of 25 years" and, as such, the applicant prays that he should not be debarred from his previlege and right as under the Rules from getting the unpaid amount.

A copy of the doctor's fitness certificate is annexed hereto and is marked as Annexure - 'F'.

4.12) That the applicant who is working in a scooter guarrage is paid a mere sum of Rs. 200/- per month and his younger brother who too works in another garrage earns Rs. 200/- per month which cannot support their livelihood further who has the devotional duty to look after their grand-mother who is about 80 years finds it difficult to face their day to day expenditure in life. The applicant most respectfully prays before Your Lordships that a direction may be issued to the respondents and in particular to the Treasury Officer, Kamrup, Guwahati to make the arrear payment of family pension as prayed for from 1.3.1992 to till date as tge applicant will be eligible to the benefit till 19.5.2001, and after completion/expiry off that period the next child shall become eligible for grant of family pension.

contd....

R159A
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8.

4.13) That this application is filed bonafide and for the interest of justice.

5) GROUND OF RELIEF(S) :

(i) For a direction to the respondents and in particular to the Treasury Officer, Kamrup, Guwahati, Assam to make the previous years family pension as due to the applicant from the period of 1.3.92 to till date.

(ii) For as the terms of the applicants period of pension ends as 19.5.2001 to clear all amounts till then and as per what Civil Services (Pension) Rules 1972 then his younger brother may be entitled for the same till he attains the age of 25 years.

6) DETAILS OF REMEDIES EXHAUSTED :

That the applicant declares that he has no other alternative then to approach this Hon'ble Tribunal for redressal of his grievances.

7) MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant further declares that he had not filed any other Original Application, Writ Petition

contd...

অসমীয়া ব্ৰহ্মসামাজিক

or Suit in respect of the subject matter of the instant application has been made before any other court, authority or any other Bench of the Hon'ble Tribunal nor such application, Writ Petition or Suit is pending before any of them.

8) RELIEF(S) SOUGHT FOR :

In view of the facts and circumstances stated above, it is most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records, issue notice directing the respondents to show cause as to why the relief(s) sought for in this application be not granted and upon hearing the parties and upon perusal of the records be pleased to grant the following relief :

(i) To direct the respondents to make the payment of family pension as entitled to the application from 1.3.92 to till date.

(ii) To register the name of Shri Sidam Kumar Das who becomes eligible to get the family pension till he attains the age of 25 years after the applicant completes 25 years.

(iii) Cost of the application.

contd...

श्री सुदाम कुमार दास

(iv) Any other relief/reliefs to rich the Applicant is entitled to and as may be deemed fit and proper by the Hon'ble Tribunal.

9) INTERIM RELIEF PRAYED FOR :

Pending disposal of this application the applicant further prays that Your Lordships would be pleased to direct the respondents to make the payment of family Pension that is due since 1.3.92 to till date and register the name of the applicants younger brother for the Family Pensionary Benefits till he attains the age of 25 years.

10)

This application is filed through advocate.

11) DETAILS OF POSTAL ORDER :

I.	I.P.O.No.	: 56 422528
II.	Date of issue	: 9.5.2001
III.	Issued from	: Guwahati.
IV.	Payable at	: Guwahati.

12) DETAILS OF ENCLOSURES :

As states in the index.

VERIFICATION...

আমদার সুরক্ষা দায়

V E R I F I C A T I O N

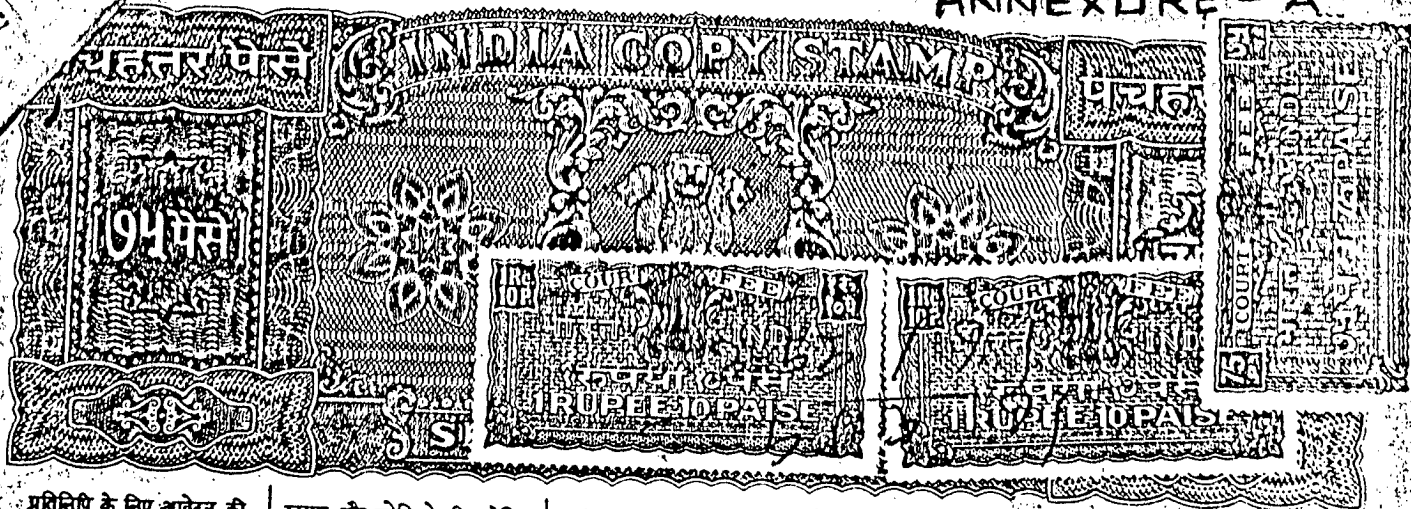
I, Shri Sudan Kumar Das, Son of Late Kamalakanta Das, resident of Village Phulbari Basti, P.S. Narengi, Noonmati in the district of Kamrup, Assam do hereby verify that the statements made in paragraphs 4.1 to 4.4, 4.7, 4.10 and 4.12 of this application are true to my knowledge and those made in paragraphs 4.5, 4.6, 4.8, 4.9 and 4.11 being matters of records of the case are true to my information derived therefrom which I believe to be true and the rest are my humble submissions.

I sign this verification on this the 4th day of May, 2001 at Guwahati.

শ্রীসুদান কুমার দাস

SIGNATURE

শ্রীসুদান কুমার দাস



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
15-2-91	16-2-91	16-2-91	5-3-91	6-3-91

Assam Schedule VII form No.113

High court form No.(J)63

order of appointment of declaration under section 7 of the Guardians and wards act, VII of 1980

In the court of the District Judge of Kamrup, Gauhati.

G/C Case No.74/88.

Present :- Sri G.S. Basumatari, LL.B.,
District Judge Kamrup, Gauhati

In the matter of an application for appointment of Guardian in the above case, of minors:-

Sri Sudam Kumar Das born on 20-5-76

Sri Sidam Kumar Das born on 20.5.76

Smti Anita Rani Das born on 16.2.76

Son /daughter of late Kamala Kanta Das village Phulbari Basti

Narengi Police station Noonmati of District Kamrup

Smti Pramila Bala Das ~~daughter~~ /wife of late Kumud Babu

Das resident of Phulbari Basti, Narengi Police station Noonmati

of District Kamrup petitioner is appointed/ declared Guardian of

the person and property as per schedule in the application of the

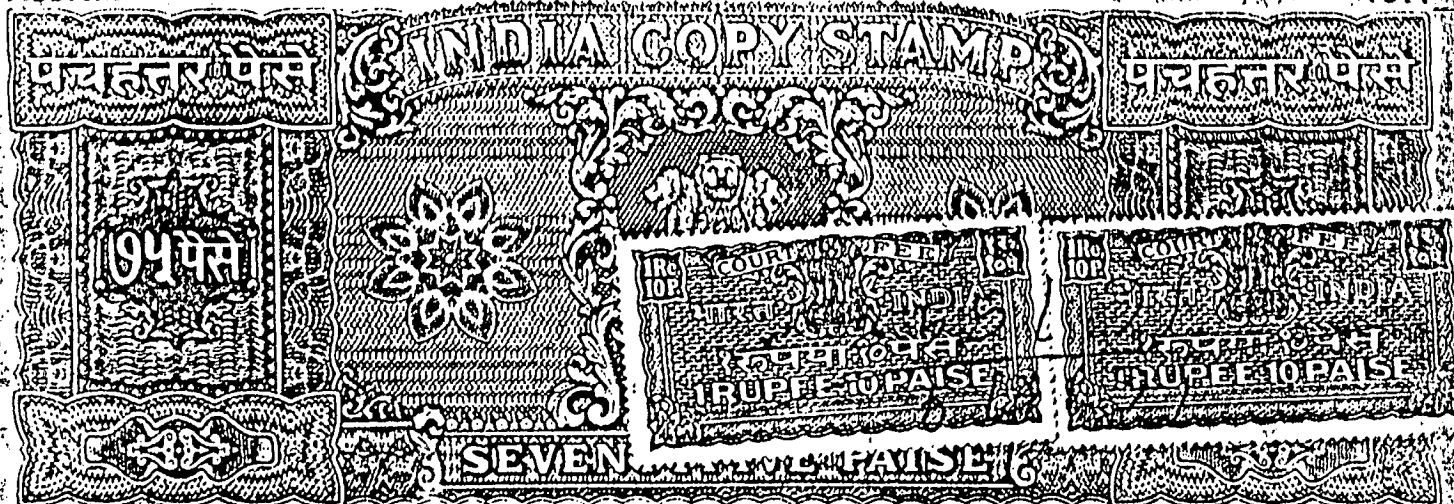
above named minors, in the terms of the head furnished. The guardian

will under accounts in the month of Sept each year untill the

minors ~~at~~ attain majority.Given under my hand and seal of this the 29th day of Sept
of this court.Sd/- G.S. Basumatari
District Judge,
Kamrup, GauhatiCertified to be
true copy
B. C. Das
Advocate

corrected and corrected.
19-1-78
21-1-78
Sd/- P. C. Basumatari
Dist. Judge, Kamrup
Gauhati

ASSAM



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फॉलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फॉलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
15-2-91	16-2-91	16-2-91	5-3-91	6-3-91

In the court of the District Judge, Kamrup, Gauhati.

IN THE MATTER OF :-

An application for correction of date
of birth of the minors namely (i) Sri Sudam
Kumar Das (ii) Sri Sidam Kumar Das

- A N D -

IN THE MATTER OF :-

G/C case No. 74/88 dated 29.9.99
Smti Pramila Bala Das wife of late Kumud
Babu Das, resident of village- Phulbari
Pasti, Narangi, P.S. Noonmati, District
of Kamrup, Assam.

Petitioner

The petition of the above named petitioner

MOST RESPECTFULLY SWETH :-

1. That the petitioner had filed and obtained a Guardian-
ship certificate appointing her Guardian of persons and property
of minors (i) Sri Sudam Kumar Das (ii) Sri Sidam Kumar

16-7-90

P. no. 943/90

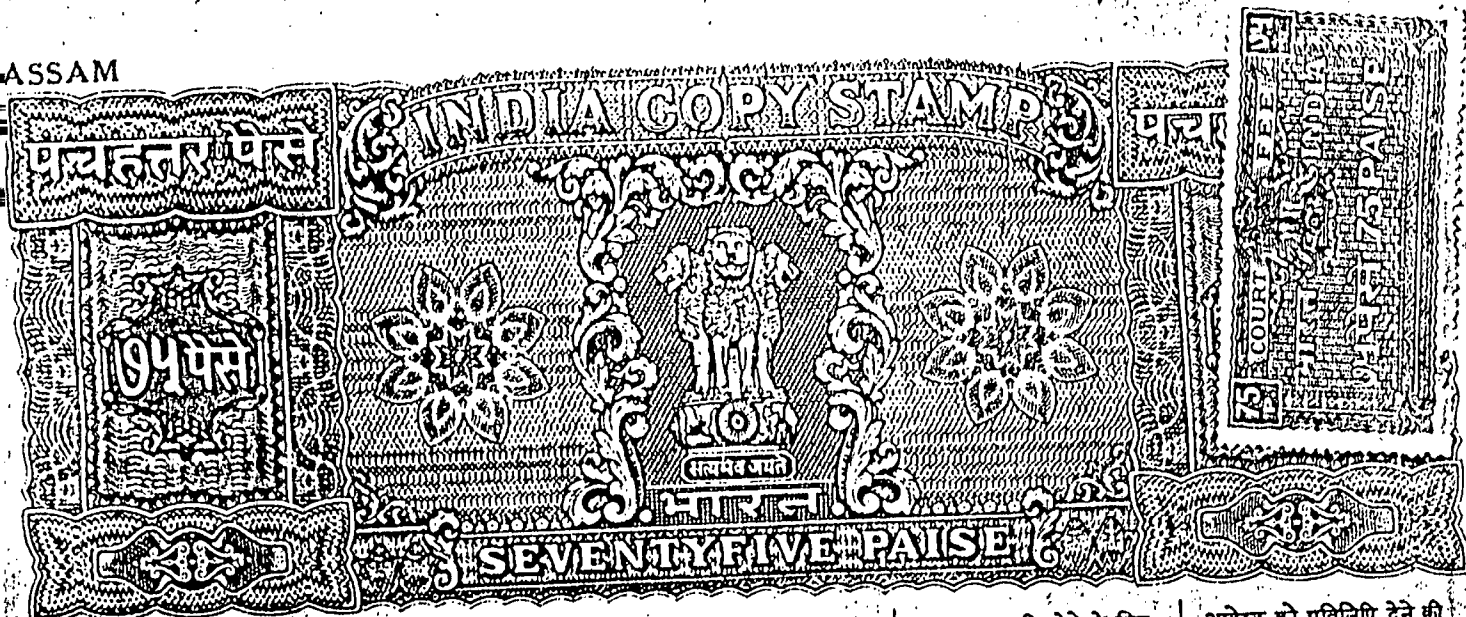
5-7-90

Put up with
District Judge, Kamrup, Gauhati
Ask the point to produce
the birth certificate
self-illegible
28-8-90

a 12
Confirmed to be
true copy
15.8.90
Advocate

off. Smti Pramila Bala Das
Filed by
self-illegible
5/7/99

ASSAM

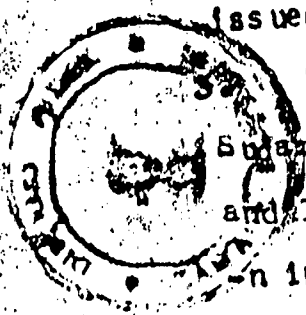


प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

2

Das and (iii) Smti Anita Rani Das in G/C Case No. 7/88 dated 29.9.88.

2. That certain mistake had crept in the original petition, that is to say the date of birth of the minors (i) Sri Sudam Kumar Das and (ii) Sri Sidam Kumar Das were wrongly written as 19.1.78 and 20.5.76 respectively and the Hon'ble Court issued the Guardianship certificate accordingly on 20.9.88.



That it is submitted that the date of birth of Sri Sudam Kumar Das and Sri Sidam Kumar Das should be 20.5.76 and 19.1.78 respectively (and not 19.1.78 and 20.5.76) as written in original petition so it is necessary to issue a certificated copy of the Guardianship certificate issued on 29.9.88 after correcting the date of birth of the Minors.

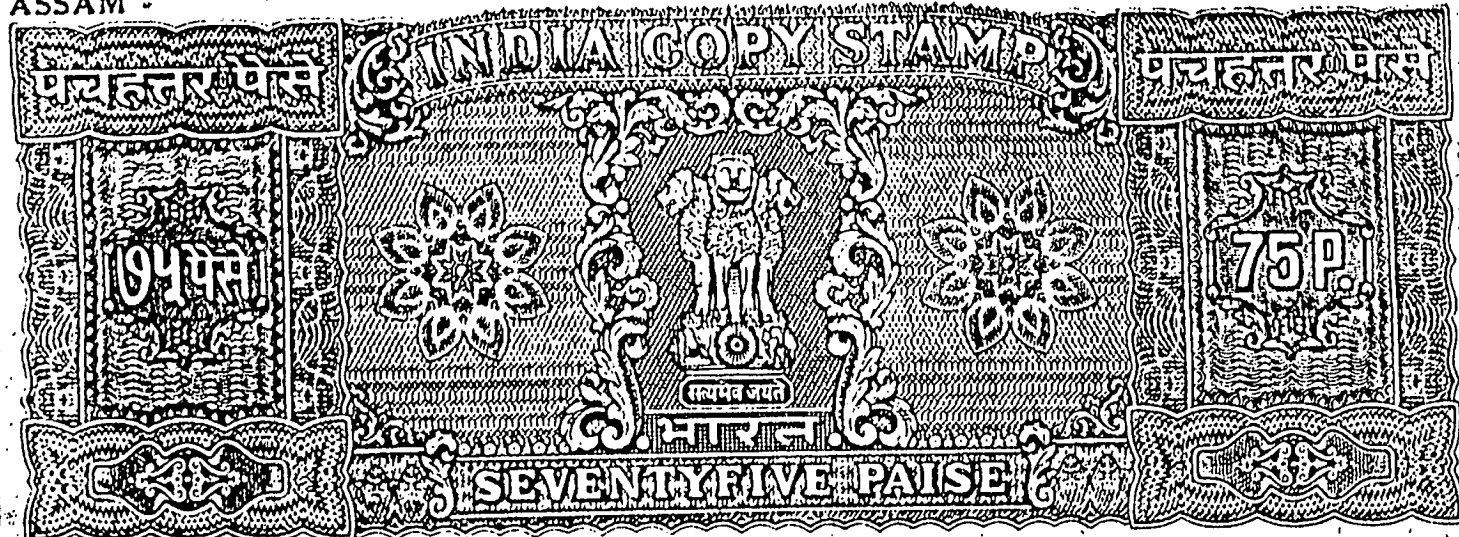
It is therefore prayed that your honour may be pleased to allow the correction of the date of birth of the minors aforesaid in the original order and issue a certificated copy of the same.

And for this act of kindness the petitioner shall ever pray.

512
Certified to be
true copy
B. C. De
Advocate

ASSAM

75P.



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 3 -

AFFIDAVIT

I, Sati Pranita Bala Das, wife of late Kunda Babu Das, aged about -70 years, resident of village Phulbari Basti, P.S. Noonmati, by profession house hold duty in the district of Kamrup, Assam do hereby solemnly affirm and declare as follows:-

1. That I am the petitioner of the case and I am acquainted with facts and circumstances of the case.

2. That I am the Guardian of the minors (i) Sri Sadan Kumar Das, and (ii) Sri Sidan Kumar Das and (iii) Sati Anita Rani Das and the minors are living under my care and custody.

3. That the statements made in paragraphs 1, 2 and 3 of the petition and in the affidavit are true to my knowledge and belief and rest of the statement are my humble submission to the Hon'ble Court.

R. t of Sati. Pranita Bala Das

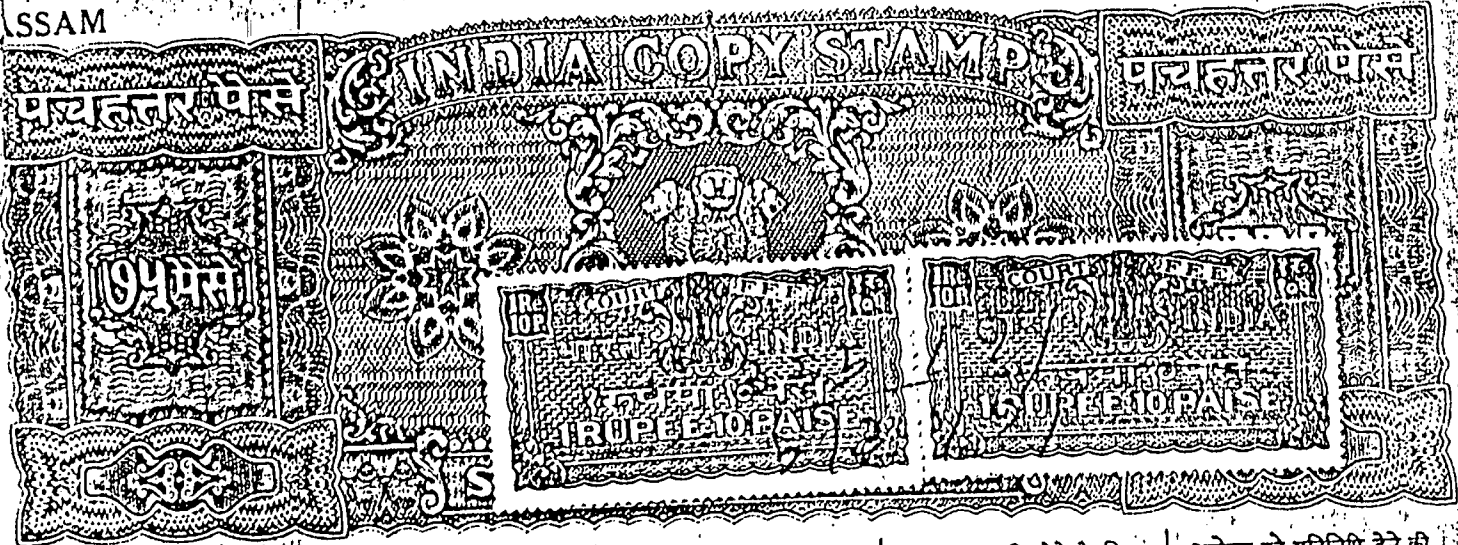
Identified by no 3d/- 3/7/90
Advocate 3/7/90

Deponent

Self Affirmed
5/7/90

Certified to be true copy
B. E. Das
Advocate

SSAM



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
15-2-91	16-2-91	16-2-91	5-3-91	6-3-91

HIGH COURT ANNEXURE FORM NO. (M) 186
ORDER SHEET FOR MAGISTRATES RECORDS

District Kamrup

In the court of District Judge, Kamrup, Gauhati.

G/C No. 74/1988

Sri Pramila Bala Das.. petitioner

OR D L R.21/1/91

Seen petition No. 943 of 1990 filed by the guardian Smti. Pramila Bala Das praying for correction of the certificate regarding the age of the son. Seen the birth certificate granted by the President of the Gram Panchayat and heard the learned counsel. Let the certificate be corrected as prayed for.

Sd/- P.G. Agarwal

District Judge, Kamrup
Gauhati

प्रतिनिधि

आवेदक

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Confidential to be
true copy
B C D
Approved

(8)

In addition a Provisional / Final Death/Retirement

Gratuity of Rs

(Rupees.....)

has been sanctioned Payment of same.....

may please be made forth with.



APPEARED PERSONALLY

Treasury Officer
Original Provisional/Final Pension

Amount of Provisional/Final pension

Computed.

Reduction of Pension Rs.

payable from

(4)

II

FAMILY PENSION

(In the event of death of pensioner)

No of wife (In Block letters)

SRI SUDAMA KUMAR DAS

Date of birth or Age

Religion and Nationality

20-5-76

RA @ RA 187.50

DA 60% 112.50

299.00 from

5/2/92

HALF

Hindu - Indian

vide PPO/17/C/A04/834/1991

@ RA 100/- 8M

DA 117.50

217.50

265/- 8M from 5/2/85 to 31/12/85

Amount of family Pension

19/5/2001

From 435/-

To

Enhanced

Rs.

P.

rate

wef 5-2-88 to

31-12-88 ad

Rs. 265/- from

wef 1-1-86 to

14-2-92

Normal

Rs.

P

rate

wef 5-2-92 to

Relief @ 117.50/- from upto 31-12-88

ad @ 4% from wef 1-1-86

awarded.

(.....) the date following the death of the Pensioner mentioned above to the filled in by the P. D. O on receipt of death report of the pensioner.)

Upto.....

.....or till death or marriage which ever is earlier.

25/3

19-2-2001

till death or marriage which ever is earlier.

Certified to be true copy
As per
Dated

Name		RECORD OF			
Month for which pension is due	19	19	19	19	
	Date of Payment	Disbursing officer's initials	Date of payment	Disbursing officer's initials	
March					
April			5/2/85	to 29/2/92	
May			28 532 10		
June			16/3/92		
July			16/3/92		
August			16/3/92		
September			16/3/92		
October			16/3/92		
November			16/3/92		
December			16/3/92		
January			16/3/92		
February			16/3/92		

[illegible]

Certified to be
true copy
B. C. D. C.
Advocate

Dr. B. L. CHAUDHURI, (R. N. 1162 : PHONE 524608 (Ch), 546964 (R)
 M.B.B.S. (CAL), D.T.M., (CAL), D.P.H. (EDIN), M.R.I.P.M.H. (LOND), A.H.S. [R]
 Consultant PHYSICIAN & GYNAECOLOGIST/SKIN/V.D./SEX-DISORDER/T.B./EYE
 Ex-Director of Health Services & Inspector General of Prisons, [Assam-undivided]
 Clinic Time : 10 A.M. to 5 P.M. (MONDAY CLOSED)

This is to certify that
 Sree Sudam Kumar Das
 s/o Late Kamata Kanta Das,
 B.O.D. 22 has been suffering
 from Schizophrenia for last few
 years. During this period
 he has been under
 Treatment.

He is now better and is
 able to manage his own affairs.

[Signature]

1/4/98
 DR. B. L. CHAUDHURI
 M.B.B.S. (CAL), D.T.M., (CAL), D.P.H. (EDIN), M.R.I.P.M.H. (LOND), A.H.S. [R]
 Consultant PHYSICIAN & GYNAECOLOGIST/SKIN/V.D./SEX-DISORDER/T.B./EYE
 Ex-Director of Health Services & Inspector General of Prisons, [Assam-undivided]

-22-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

28 JAN 2001

GUWAHATI BENCH

O.A. NO 165 OF 2001

Sri Sudam Kumar + Das

- Vs -

Union of India & Ors

- And -

IN THE MATTER OF:

Written statement submitted by the
Respondents.

The Respondents beg to submit the written statement as follows :-

1. That with regard to the statement made in para 1 of the application, the respondent No- 2 begs to state that the petitioner's deceased father was an employee of this depot. Due to the death of the petitioner's mother earlier than that of his father, family pension was granted by PCDA (P) Allahabad through PPO/No/C/ACC/834/1991 to the applicant and Treasury Officer Kamrup, had made payment on 16.3.1992, amounting to Rs.28,532/- (Rupees Twenty eight thousand five hundred thirty two Only). It is reiterated that payment of family pension amount to the petitioner is vested on the Treasury Officer, Kamrup, Guwahati. The fixation of pension as well as the extension of benefits to the petitioner upto the age of 25 years is determined by principal PCDA (P) Allahabad.

Contd....P/2

Filed by

32

28/1/01

(C. A. T. Bench)

(C. A. T. Bench)

C. A. T. Bench

23 - 34

2. That ~~with~~ it may be mentioned that on receipt of the copy of OA Respondent No- 2 approached Treasury Officer, Kamrup, Guwahati vide letter No-1509/Court case/OA-165/2001/6/EST dated 25 June 2001 (Photo copy attd) for communicating the clarification/statement regarding discontinuation of pension payment to the applicant. Treasury Officer, Kamrup, Guwahati, vide letter No-KTA/2000/1102 dated 5.9.2001 (Photo copy attd) indicated that due to the non-withdrawal of pension amount with effect from 1st March 1992, the same has become lapsed/ time barred as per para 159(a) of Treasury rule. Further, the Treasury Officer vide their ibid letter stated that they have forwarded the above mentioned PFO to PCDA (P) Allahabad for necessary action. As intimated by Treasury Officer nothing has been heard from PCDA (P) Allahabad so far.

159(a)

3. That the Respondent No- 2 had written to PCDA (P) Allahabad vide letter No-1509/Court case/OA-165/13/Est dtd 15/9/2001 (Photo copy attd) requesting to grant time barred sanction for the lapsed period and also to grant family pension to the petitioner's younger brother Shri Sidam Kumar Das, since the applicant had already attained 25 years of age. /

4. That the Respondent No- 2 begs to state that on receipt of communication from PCDA(P) Allahabad, necessary action will be taken by Treasury Officer, Kamrup, Guwahati.

Contd....P/3.

24- 34

5. That with regards to the statement made in paras 2 and 3 of the application, it is stated that the matter relating to the provisions of the Administrative Act, 1985 and Rules made thereunder, accordingly save (except) what appears Therefrom, the Respondents beg to offer no comments.

6. That with regards to the statement made in paras 4.1 to 4.9 of the application, it is stated that the same are matter of record, Nothing beyond record is admitted.

7. That with regard to the statement made in para 4.10 & 4.11, the Respondents beg to offer no comments.

8. That with regard to the first part of para 4.12 of the application, no comments are offered. In connection with with statement made in the letter part of the statement, it is requested to refer to our preceding paras.

9. That with regard to the statement made in para 4.13 no comments are offered.

10. That with regard to the statement made in para 5, it is reiterated that Treasury Officer Kamrup Guwahati and PCDA(P) Allahabad, are the competent authorities to make payment of arrears and family pension and fixation of pension amount respectively, Necessary correspondence have been made with the said authorities and after completion of needful action, the applicants prayer will be considered.

contd... P/4

- 25 - 35

- 4 -

11. That with regard to para - 6 in OA the Respondents beg to offer no comments.

12. That with regard to para- 7 the Respondents beg to offer no comments. These are matter of records.

13. That with regard to the statement made in para - 8 and 9 of the application the Respondents beg to state that due to the non withdrawal of pendion w.e.f. 1st March 1992, the same has been lapsed/time barred, as per 159(a) of Treasury Rule. However, the Treasury Officer vide letter No.KTA/206/Tech/89-90/2001/750 dated 26/7/2001, has taken up the case with PCDA(P) Allahabad. As reported nothing has been communicated by PCDA (P) so far. In case the PCDA(P) Allahabad will do the needful, the request made by the applicant through para - 8 and 9 will be considered.

V E R I F A C A T I O N

V E R I F I C A T I O N .

I Shri Col M. Rajgopal

Being authorised do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this 17 th day of January 2002

Declarant.

M Rajgopal
Colonel
Commandant

-6-

27-

3

Office of the Treasury Officer Kanpur, U.P.
No. KTA-8/2001/1102 Date 27/9/2001

To The Commandant 222 A.B.O.D. C/O 99 A.B.O.

Subj: - Regarding discontinuation of Pension payment
in respect of Sri Sudam Kumar Das vide
PPO. No. C/AOC/843/1991.

Sir;

I have the honour to inform you that Sri
Sudam K. Das was drawn family pension from 5-2-1985
to 31-5-1991 through Smt Pramila Devi Das, who
was the legal guardian. But in this connection
it may be pointed out that though Sri Sudam K.
Das appeared in person in the Treasury on
10-12-1996, but this Office is unable to make
payment as the claim is time bar has already
been lapsed as per rule 159(A) of T.R.S.O.

On the other hand the Audit raised objection
vide letter No. LT/COO/1/SL/84/2000 dt 13-5-2000
to send the case to the P.C.D.A. (Pension) Allahabad
immediately.

Therefore the above PPO all ready sent to
P.C.D.A. (P) Allahabad vide this office letter No. KTA-206/1991
189-90/2001/750 dt 26-7-2001. No intimation has
received till now.

Recd



Yours faithfully
[Signature]
Treasury Officer, Kanpur
27/9/01

Recd by
hand Jan 5/9/01
19

222 Agrim Sthai Ayudh Bhandar
222 Adv Base Ord Depot
C/O 99 APO

1509/Court case/OA-165/13/EST 15 Sep 2001

PCDA(P)
Drapadighat
Allahabad

COURT CASE OA 165/2001 FILED BY SHRI SK DAS
VS UNION OF INDIA & ORS

1. Ref this depot letter No. 1509/Court case/OA-165/2001/6/EST dated 25 Jun 2001 addressed to Treasury Officer, Kamrup, Guwahati, Assam, and copy forwarded to you amongst others.
2. It is submitted that PPO No. C/AOC/848/1991 in respect of Shri Sudam Kumar Das was forwarded to your office by Treasury Officer, Kamrup, Guwahati, Assam vide letter No. KTA/206/Pen/89-90/2001/750 dated 26 Jul 2001, for doing the needful action since the same has already been time barred and lapsed.
3. Also, the petitioner through the ibid OA requested to grant family pension to his younger brother Shri Sidam Kumar Das since the petitioner has already attained 25 years of age.
4. Please accord necessary time-barred sanction so as to enable to make payment of arrears family pension to the petitioner. Also please scrutinise the prayer made by the petitioner in connection with the grant of family pension to his younger brother Shri Sidam Kumar Das
5. Please return the ibid PPO duly examined by granting time barred sanction for the lapsed period and also granting family pension to the petitioner's younger brother, Shri Sidam Kumar Das, to the Treasury Officer, Kamrup, Guwahati, under intimation to this office, in case the same is in order.
6. Submitted please.

(RK Bhatia)
Lt Col
Administrative Officer
for Offg Commandant

Copy to:-

Treasury Officer
Kamrup, Guwahati,
Assam.

- for info please. You are requested to
make correspondence with the PCDA(P),
Allahabad.

Registered

222 Air Base Ordnance Depot
C/O 99 APO

1509/Court Case/OA-165/2001/ /EST 1 Jun 2001

Treasury Officer,
Kamrup, Guwahati
Assam,

REQUEST FOR COMMUNICATION OF CLARIFICATION
REGARDING DISCONTINUANCE OF PENSION PAYMENT,
COURT CASE OA 165/2001 FILED IN CAT, GHY THEREOF.

Sir,

1. It is submitted that family pension in respect of Shri Sudam Kumar Das, nominee of deceased Kamala Kanta Das, an ex-employee of this depot was granted by PCDA(P), Allahabad vide PPO No. C/AOC/843/1991. Accordingly, an amount of Rs 28,532.00 (Twenty eight thousand five hundred thirty two) only was paid to Shri Sudam Kumar Das towards the family pension amount for the period from 5.2.85 to 29.2.92 by your office on 16.3.1992.
2. Thereafter, the family pension amount could not be drawn by the above family pensioner due to his unsound mind, as stated in the application. Now, the indl has filed OA 165/2001 in CAT, Guwahati, challenging the discontinuance of payment of family pension wef- 1.3.92 till date.
3. In view of the above, you are requested to offer your comments immediately, so as to enable us to prepare para-wise comments on the ibid OA.
4. An early reply/action is requested.

Yours Sincerely

(M. Rajgopal)
Col
Commandant

Copy to:-

DGOS (OS-8C)
MGO Branch
Army Headquarters
DHQ PO New Delhi-110011

PCDA(P) Allahabad

For info please Army HQ Sig B/371828/
OS-8C(11) dt 12 Jun 2001 refers.

The prescribed age limit for availing/
enjoying family pension in respect of
the ibid pensioner has already been
expired on 19.5.2001.

-- P/2--

The Petitioner through the ibid OA requested to grant family pension to his younger brother Shri Sidam Kumar Das, since the petitioner has already attained 25 yrs age. Please scrutinise the case and reply to us forthwith for preparation of para wise comments.

CDA, Guwahati -

With ref to their letter No. Pay/34/
Confdl/OA No-165/2001 dt 8.6.2001.
Please offer your comments in consultation with PCDA (P) Allahabad, and inform us accordingly.

Shri Arunesh Deb Roy,
Sr CGSC
CAF, Guwahati-

for info please
You are requested to obtain three months additional time from CAF, Ghy for submission of parawise comments please.