



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/00627/2016

Date of order : 15.2.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. Smt. Rita Thapa,
Widow of Late Bimal Kumar Thapa,
Alias Bimal Thapa.

2. Sri Amrit Thapa,
S/o. Late Bimal Kumar Thapa,
Alias Bimal Thapa,

Both residing at Vivekanda Pally,
Upper Bagdogra, P.S. – Bagdogra,
District – Darjeeling, Pin : 734 014.

.. Petitioners/ Applicants

- VS -

1. Union of India, through the
Secretary, Ministry of Defence,
South Block, New Delhi – 110 011.

2. Director General of Supplies and Transport,
Quarter Master General's Branch,
Integrated Head Quarter of MOD (Army),
DHQ PO, New Delhi – 110 011.

3. General Officer Commanding,
Eastern Command (ST),
C/O 99 APO.
Pin – 909542.

4. Commandant,
409, Head Quarter, Coy ASC Rail Head,
Petroleum Depot, Bengdubi,
C/O 99 APO Pin 905409.

.. Respondents

5. Luckky Sherpa,
Wife of Pemba Sherpa,
Residing at Village Kotwali Bazar,
P.O. Lebong, District – Darjeeling,
Pin : 734105.

.. Proforma Respondents

For the Applicant : Mr. B.R. Das, Counsel

For the Respondents : None

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. B.R. Das, Ld. Counsel for the applicant.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging non- payment of pension and other death-cum-retirement benefits on account of death in harness of Bimal Kumar Thapa, alias Bimal Thapa on 23.9.2013 with the following reliefs:-

"(i) Allow the petitioner all pensionary and DCRG benefits in accordance with rules with an appropriate interests forthwith.

(ii) Certify and transmit the entire records and papers pertaining to the applicants' case so that after the causes shown thereof, conscionable justice may be done upto the applicants by way of grant of reliefs as prayed for in (i).

(iii) Costs."

2. Ld. Counsel for the petitioners are the widow and son of one Bimal Kumar Thapa, alias Bimal Thapa. The deceased employee joined service as Majdoor in October, 1984 and was employed in permanent capacity till his death on 23.9.2013. After his death, one Luckky Sherpa claiming to be first wife of the deceased sought release of retiral benefits in her favour. Faced with such a situation, the respondent authorities have still now not yet released the retiral benefits of the deceased in favour of the applicant.

3. The applicant preferred a representation on 20.10.2013 before the Commandant, 409, Head Quarter, Coy ASC Rail Head, Petroleum Depot, Bengdubi, C/O-99 APO but till date he has not received any response.

4. Therefore, without waiting for the reply we think it appropriate to dispose of this O.A. by directing the respondent No.4 that if any such representation has been preferred on 20.10.2013 and still pending



consideration then the same may be considered and disposed of by way of a well reasoned order within a period of two months and if after such consideration the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

5. A copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. B.R. Das undertakes to deposit necessary cost within a period of 7 days.

6. With the aforesaid observation and direction, the O.A. is disposed of.
No costs.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP