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## CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No. OA 350/679/2016

Date of order : 8.3.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member

### **GITA KARAN**

Widow of Late Saktipada Karan,  
R/o Vill. Amzad Nagar,  
P.O. Kamarda Bazar,  
P.S. Khejuri,  
Dist. - Purba Medinipur,  
Pin - 721432.

### ...APPLICANT

### VERSUS

1. Union of India, through  
The Secretary,  
Central Public Works Department,  
Govt. of India,  
New Delhi.
2. The Dy. Director (Hort.)  
Kolkata Horticulture Division,  
Central Public Works Department,  
Govt. of India,  
Nizam Palace,  
1<sup>st</sup> MSO Building,  
234/4 A.J.C.Bose Road,  
Kolkata - 700020.
3. The Asst. Director (Hort.),  
Kolkata Horticulture  
Sub Division I & II,  
Kolkata,  
Govt. of India,  
Nizam Palace,  
1<sup>st</sup> MSO Building,  
234/4 A.J.C.Bose Road,  
Kolkata - 700020.
4. The Chief Engineer (EZ),  
Central Public Works Department,  
Govt. of India,  
Nizam Palace,  
1<sup>st</sup> MSO Building,  
234/4 A.J.C.Bose Road,  
Kolkata - 700020.
5. The Superintending Engineer,  
Co-ordination Circle (ER),  
Central Public Works Department,  
Govt. of India,  
Nizam Palace,  
1<sup>st</sup> MSO Building,  
234/4 A.J.C.Bose Road,  
Kolkata - 700020.

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6. The Estate Manager,  
Department of Estates,  
Government of India,  
5 Esplanade East,  
Kolkata - 700069.

7. The Executive Engineer,  
Calcutta Central Division NO.I,  
Central Public Works Department,  
Govt. of India,  
Nizam Palace,  
1<sup>st</sup> MSO Building,  
234/4 A.J.C.Bose Road,  
Kolkata - 700020.

...RESPONDENTS.

For the applicant : Mr.A.K.Chattopadhyay, counsel

For the respondents: Mr.R.Roychoudhury, counsel

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Mr.A.K.Chattopadhyay, Id. Counsel appearing for the applicant and Mr.R.Roychoudhury, Id. Counsel appearing for the respondents.

2. This OA has been filed under Section 19 of the A.T.Act, 1985 seeking the following reliefs :

- a) An order be passed directing the respondent authorities to grant and disburse the death-cum-retiral benefits of the applicant's husband who was a Group 'D' employee (Mali) under the respondent authorities immediately.
- b) An order be passed directing the respondent authorities to grant and disburse family pension to the applicant along with arrear family pension together with interest @ 12% per annum for the delayed period immediately.
- c) To pass such further and/or other order or orders be passed and/or direction or directions be given as to this Hon'ble Tribunal may deem fit and proper.

3. Mr. Chattopadhyay submitted that the applicant's husband Saktipada Karan was appointed as Mali in the office of the Assistant Director (Hort.), Kolkata Horticulture Sub Division I & II, Central Public Works Department, Kolkata and the Assistant Estate Manager vide his letter dated 1.11.1983 forwarded the name of the applicant for consideration for the post of Mali and directed the applicant's husband to appear in an interview and the Estate

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Manager vide his memo dated 3.12.1983 issued appointment letter to the applicant's husband as Mali in the Central Government Hostel w.e.f. 3.12.1983 and he joined on the same date. Thereafter the employee was granted 1<sup>st</sup> financial upgradation in the scale of Rs.3050-75-3950-80-4590/- w.e.f. 9.8.1999 or completion of 12 years of service whichever is later and thereafter the applicant's husband due to his illness could not attend his office for 3 days from 7.9.2015 and all on a sudden he died on 10.9.2015. In the meantime the Assistant Director (Hort.), Kolkata Horticulture Sub Division I & II, CPWD, Kolkata issued a letter on 28.9.2015 and directed the applicant's husband to report to his duty within 5 days of receipt of the letter failing which appropriate disciplinary action will be initiated against him. The applicant thereafter submitted a reply to the Deputy Director, Kolkata Horticulture Division, CPWD, Nizam Palace on 5.11.2015 requesting him to release all payment due to her husband but till date no steps have been taken by the respondent authorities.

As such the applicant is constrained to approach this Tribunal for ends of justice.

4. Mr. Chattopadhyay fairly submitted that the applicant has preferred one representation on 5.11.2015 addressed to respondent No.2 and as no response was received, she preferred another representation on 22.3.2016 to all the respondents. He submitted that the grievance of the applicant is expected to be redressed and the applicant will be more or less satisfied if a direction can be issued to the respondent No.2 to consider those representations and pass appropriate orders within a specific time frame.

5. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without entering into the merits of the case, the OA is disposed of by directing the respondent No.2 to consider the representations dated 5.11.2015 as well as 22.3.2016 (Annexure A/15 to the OA), if the same are still pending consideration and dispose it of keeping in mind the rules and regulations in force by passing a well reasoned and speaking order and communicate the same to the applicant within 2 months from the date of receipt of this order.

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6. Though I have not expressed any opinion on the merit of the matter and  
all the points raised in the representations are kept open for the said  
respondent No.2 to consider the same as per the rules and regulations in force,  
still then I hereby direct that after such consideration if the applicants'  
grievance is found to be genuine then expeditious steps may be taken within a  
further period of 3 months from the date of such consideration to extend those  
benefits to the applicant.

7. As prayed for by Mr.Chattopadhyay, a copy of this order along with the  
paper book of this OA be transmitted to respondent No.2 by Speed Post for  
which he will deposit the cost with the Registry within a period of one week.

8. With the aforesaid observation and direction the OA is disposed of at the  
admission stage itself. No costs.

(A.K.PATNAIK)  
MEMBER (J)

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