

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/680/2013

Date of Order: 12.04.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Smt. Manju Goswami, wife of Sri Falguni Goswami, C/o Sri Kalipada Paul, Kadamtala, Chiria More, P.O Kadamtala, District - Darjeeling.

---Applicant

Versus

1. Union of India, service through the Secretary, Ministry of Information and Broadcasting, New Delhi - 110011.
2. The Director General, 9S-IV(A) Section, A.I.R. Akashwani Bhawan, Parliament Street, New Delhi - 110011.
3. The Deputy Director General (ER) A.I.R Akashwani Bhawan, Eden Garden, Kolkata - 700001.
4. The Station Director, A.I.R Akashvani Bhawan, Eden Garden, Kolkata - 700001.
5. Account Officer, All India Radio, Akashvani Bhawan, Kolkata - 700001.
6. Administrative Officer, for Station Directorate, All India, Siliguri, Pin 734401.

---Respondents

FOR THE APPLICANT(S): Mr. A.P Deb, Counsel

FOR THE RESPONDENT(S): Mr. S.K Ghosh, Counsel

ORDER (ORAL)

Per: Smt. Manjula Das, Judicial Member:

Ld. counsel for the applicant prays for compassionate appointment stating that the husband of the applicant is missing for long seven years and according to the rule and provisions, he should be declared as dead, and accordingly prays that other benefits should be given to the applicant.

2. The respondent authorities have filed their written statement, annexed a document (page 11 of the reply) and submitted that Mr. Falguni Goswami, stated to be the husband of the applicant, has already joined on 08.11.2015 and is still

attending to his duties. However, the prayer of the ld. counsel for the applicant is here under:

" (a) Direction upon the concerned respondents and each one of them more particularly the Administrative Officer for Station Directorate, All India Radio, Siliguri to show cause as to why the applicant being the legally married wife of Falguni Goswami since missing on and from 1.10.2005 and could not be found dead or alive has not been allowed to join in any post commensurating with her eligibility in place and stead of her husband in accordance with law, pending disposal of the instant application.

(b) Direction upon the concerned respondent and ach of them as to what steps they have taken as the model employer being under the Ministry of Information and Broadcasting to find out the whereabouts of their employee Falguni Goswami who have been missing on 1.10.2005, pending disposal of the instant application;

(c) Direction upon the concerned respondents and each one of them to show cause as to why they have not taken any steps till date to initiate any proceeding against the said Falguni Goswami the husband of the applicant for his long absence of seven years under the Central Services Leave Rules so on and soforth, pending disposal of the said application;

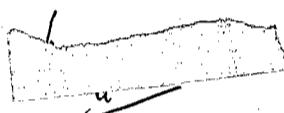
(d) any other order of further order, may be passed as Your Lordships may deem fit and proper. "

The entire prayer of the applicant (i) seeking for a directions to the respondent authorities on the whereabouts of her husband (ii) what proceedings has been taken for long unauthorised absence and for declaration of death, so that the applicant may get the benefits as to be granted to the widow.



3. This Tribunal is set forth to expeditious hearing of the litigants, as well as for taking up service matters. We are of the view that the applicant's prayer for a direction of whereabouts of her husband is not our jurisdiction. More so, as per the document available in our record, as produced by the respondent authorities, the husband of the applicant has already joined the post in 08.01.2015 and hence nothing remains to adjudicate. We are very much dissatisfied with the approach of the applicant. We feel that the applicant is not coming with a clean hands and wasting our valuable court's time.

4. The matter is dismissed, however with a cost of Rs. 2000/- upon the applicant.


(Dr. Nandita Chatterjee)
Member (A)


(Manjula Das)
Member (J)

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