

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

PARTICULAR OF THE APPLICANT:

Smt. Annapurna, W/O Late N K Shambu Swami Somaiya, aged about 44 years, residing at Bunglow No. 205, CME Gate South Side, South Eastern Railway, P.O.- Kharagpur, District - Paschim Midnapore, Pin Code 721301, West Bengal.

.... APPLICANT

V E R S U S

- i) Union of India through Secretary Ministry of Information and Broadcasting, Sastri Bhawan, New Delhi 1
- ii) The Chairman Prasar Bharati, 2nd floor, PTI Building, Sansad Marg, New Delhi 1
- iii) Station Director, All India Radio, Akashvani Bhawan, Eden Garden, Kolkata 700 001

.... RESPONDENTS

[Signature]

O.A.No.350/862/2016

Date :31.01.2018

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

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr. S.K. Ghosh, counsel

ORDER(Oral)**A.K. Patnaik, Judicial Member**

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"An order do issue directing the respondents to release family pension and other pensionary benefits in favour of the applicant with arrears and also to grant interest as admissible under the rules."

2. I have heard Mr. A. Chakraborty, Id. counsel for the applicant and Mr. S.K. Ghosh, Id. counsel for the respondents.

3. Id. counsel for the applicant Mr. A. Chakraborty submitted that the applicant's husband was an ex-serviceman and after his retirement from Defence Forces he was appointed under the Prasar Bharati (All India Radio) and continued to work with the respondents till his death. After death of the employee his widow i.e. the applicant in this O.A. made a representation to the authority concerned praying for grant of family pension in her favour, but she was denied family pension on the ground that the name of some other lady, Smt. Bimala Somaiya has been incorporated as wife in the Service Book of the employee. Mr. Chakraborty has drawn my attention to the letter dated 06.01.2004 (Annexure A/3 of the O.A. and submitted that originally the applicant was working with the Defence Forces and in their departmental record the name of the present

applicant(Annapurna) has been mentioned as wife of the deceased employee and the applicant is getting family pension from the Defence Department. Mr. Chakraborty further submitted that even if some other name has been mentioned in the Service Book of the deceased employee as maintained by All India Radio, the present applicant should be granted family pension as she is the legal wife and is getting such pension from the Defence Department. Mr. Chakraborty submitted that the applicant made a comprehensive representation to the Respondent No.3 i.e. the Station Director, All India Radio, Akashvani Bhawan, Eden Garden, Kolkata on 04.04.2016(Annexure A/4) ventilating her grievances therein but no reply has been received by her till date.

4. Per contra Mr. S.K. Ghosh, Id. counsel for the official respondents submitted that the concerned employee expired in the year 1999 and the present applicant is claiming family pension after 15 years from the date of death of the employee, therefore, the authorities have examined the records available with them and photocopy of all those records have been annexed as Annexure R/2 and R/3 of the reply statement filed by the respondents. Mr. Ghosh further submitted that as the name of Smt. Bimala Somaiya has been mentioned in the Service Book of the employee as his wife and after his retirement the terminal benefits were granted to Smt. Somaiya, therefore, as per record available with the AIR/Prasar Bharati Smt. Bimala Somaiya has been treated as the wife of the deceased employee for all practical purposes and she is entitled to receive family pension of the deceased employee.

5. Mr. Chakraborty, Id. counsel for the applicant submitted that he does not want to argue further and the applicant would be satisfied for the present if a direction is given to the Respondent No.3 to consider and dispose of the

representation of the applicant dated 04.04.2016(Annexure A/4) keeping in mind the records available with the Defence department wherein the name of the present applicant was shown as wife of the deceased employee and pass a well reasoned order as per the rules and regulations governing the field within a specific time frame.

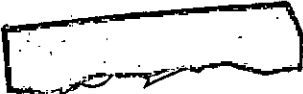
6. Having heard the Id. counsel for both sides, I am of the view that it will not be prejudicial to either of the parties if a direction is given to the respondent authorities to consider and dispose of the representation of the applicant dated 04.04.2016(Annexure A/4) as per rules and regulations in force within a specific time frame. Accordingly, the Respondent No.3 i.e. the Station Director, All India Radio, Akashvani Bhawan, Eden Garden, Kolkata is directed to consider and dispose of the representation of the applicant dated 04.04.2016(Annexure A/4) keeping in mind the records available with the Defence department wherein the name of the present applicant was shown as wife of the deceased employee and pass a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of a certified copy of this order. The decision so arrived at shall be communicated to the applicant forthwith. If the applicant's claim is found to be genuine, the benefits as claimed in her representation shall be extended to her within a period of further six weeks from the date of taking decision in the matter.

7. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

8. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No.3 by speed post

by the Registry for which Id. counsel for the applicant undertakes to deposit the cost within one week.

9. With the above observations the O.A. is disposed of. No order as to cost.


(A.K. Patnaik)
Judicial Member

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