

Date of order : 02.02.2017

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

For the applicant : Mr. S.K. Datta, counsel

For the respondents : Mr. A. Mondal, counsel

O R D E R(ORAL)

Heard Mr. S.K. Datta, ld. counsel for the applicant and Mr. A. Mondal, ld. counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 by the legal heirs of one, Mr. Debasis Chatterjee who died in harness while working under the respondents on 08.10.2013. The applicants have sought for the following reliefs:-

“a) An order granting leave to the applicants under Rule 4(5)(a) of the Central Administrative Tribunals(Procedure) Rules, 1987 to move this application jointly as the applicants are having common interest in the matter;

b) An order directing the respondents to release the death benefits of late Debasis Chatterjee to the applicants in equal share with interest from the date of death of Debasis Chatterjee till the date of actual payment and further directing them to settle the said claim and make the payment at an early date as to this Hon'ble Tribunal may seem fit and proper;

c) An order directing the respondents to grant and pay family pension to the Applicant No.1 including the arrears of family pension since the death of Debasis Chatterjee within a period as to this Hon'ble Tribunal may seem fit and proper as well as directing them to grant interest on such arrears of family pension at the rate as to this Hon'ble Tribunal may seem fit and proper;

d) An order directing the respondents to produce/cause production of all relevant records;

e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.”

3. This O.A. has been filed challenging the acts or omissions on the part of the

respondent authorities in not considering the representation of the Applicant No.1 for grant of family pension and also the acts or omissions on the part of the respondent authorities in not releasing and/or paying the post retirement benefits like Gratuity, Provident Fund etc to the applicants after the death of Debasis Chatterjee, the deceased husband of the Applicant No.1 and the deceased father of the Applicant Nos. 2 and 3.

4. Mr. Datta, Id. counsel for the applicant submitted that due to non-receipt of the pension the applicant made a comprehensive representation enclosing all the documents addressed to the Principal Chief Commissioner of Income Tax, West Bengal and Sikkim i.e. the Respondent No.3 in this O.A., but no reply has been given to the same till date.

5. On the other hand, Mr. A. Mondal, Id. counsel for the respondents submitted that the Applicant No.1 has not submitted certain documents as desired by the authorities and, therefore, the case of the applicants could not be processed. But I find no document to that effect has been furnished either by the applicants or by the respondents.

6. Therefore, without entering into the merit of the matter I think it would be proper to dispose of this application with a direction to the respond No.3 to decide the representation/appeal of the applicant within a specific period. 7.

Accordingly the Respondent No.3 is directed to consider and dispose of the representation/appeal of the applicant stated to have been filed on 29.11.2016 (Annexure A-4), if it is still pending, with a well reasoned order and communicate the result to the applicant within a period of two months from the date of receipt of this order.

8. I have not expressed any opinion on the merit of the matter and all the points raised in the representation/appeal stated to have been filed on 29.11.2016 are kept open for consideration by the respondents as per the rules and regulations in force. After such consideration if the applicants are found entitled to the benefits as claimed , then expeditious steps may be taken to extend such benefits to the applicants within a further period of two months from the date of taking decision.

9. As prayed by Mr. Datta 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 Mr. Datta undertakes to deposit the cost by 6<sup>th</sup> of February, 2017.

10. With these observations the O.A. is disposed of. No cost.

(A.K. PATNAIK)  
Judicial Member

sb