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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

An application under Section 19 of the Administrative Tribunal
Act, 1985

In the matter of

O. A. 350/ 1280 /2017

Sri Sushanta Mitra,

son of Late Satish Chandra

Mitra, C/O. Kamal Kumar

Banik, Kanan Apartment, Flat

No.B-1, First Floor, South

Block, Satyapriya Roy Sarani

Bye Lane, Lake Town, Post

Office-Lake Town, Police

Station-New Jalpaiguri, District

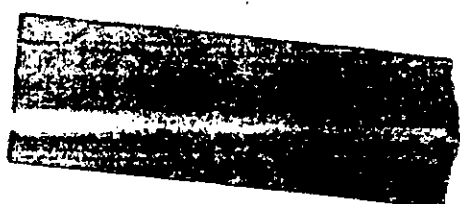
- Jalpaiguri, Pin - 734007

... Applicant

-Versus-

1. The Union of India, service through the Secretary to the Government of India, Ministry of Communication, Department of

WLE



Telecom, Sanchar Bhawan, New
Delhi - 110001

2. Bharat Sanchar Nigam
Limited, A Government of India
Enterprise, having its corporate
office at 5th Floor, Bharat
Sanchar Bhawan, Janpath, New
Delhi-110001

3. The Assistant Director
General (STN), Department of
Telecom Services, Sanchar
Bhawan, 20, Ashoka Road, New
Delhi-110001

4. The Chief General
Manager, Telecom, West Bengal
Telecom Circle, 1, Council
House Street, Kolkata - 700001

5. The General Manager
(Telecom), Siliguri Telecom
District, Bharat Sanchar Nigam

WAC



Limited, Siliguri, District -
Darjeeling, Pin - 734401

6. The Communication
Accounts Officer, Department of
Telecommunications, office of
the Controller of
Communication Accounts, West
Bengal Telecom Circle, 33,
B.B.D. Bag (S), Kolkata -
700001

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A. NO. 350/1280/2017

Dated : 20.03.2018

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

For the applicant : Mr. T.K. Biswas, Counsel
Mr. S. Mukherjee, Counsel
Mr. S.K. Mukhopadhyay, Counsel

For the respondents : None

ORDER (Oral)

Manjula Das, Judicial Member

The applicant has filed this application under Section 19 of the Administration Tribunals Act, 1985 seeking the following reliefs:

- "8.(a) Order or orders directing the Respondent Authorities to pay and disburse the Family Pension in favour of the Applicant with effect from December 23, 2013 after considering him as the legally married husband of the deceased Ex-employee, namely Ruma Mitra;
- (b) Order or orders directing the Respondent Authorities to certify and transmit to this Hon'ble Court all relevant records of the present case and upon perusal thereof to pass necessary order;
- (c) Order or orders prohibiting the Respondent Authorities from doing any act, deed or thing which may cause prejudice or harm to the Applicant;
- (d) Rule NISI in terms of prayers (a), (b) and (c) above;
- (e) Costs of and/or incidental to this application;
- (f) To pass such other or further order or orders and/or direction or directions as to this Hon'ble Tribunal may deem fit and proper."

2. Heard Mr. T.K. Biswas, Ld. Counsel for the applicant. None appears for the respondents.

dl

3. Brief facts of this case as narrated by Ld. Counsel for the applicant are that wife of the applicant Smt. Ruma Mitra was appointed in the Department of Telecommunication (BSNL) of November 5, 1980. It is submitted by Ld. Counsel for the applicant that due to ill health, Smt. Ruma Mitra voluntarily retired from service on March 15, 2012 and Pension Payment order of Ruma Mitra was issued on July 06, 2012 (Annexure A/2). Thereafter Smt. Ruma Mitra died on December 23, 2013. Ld. Counsel for the applicant further submitted that due to inadvertence Ruma Mitra did not mention name of her husband i.e. the applicant herein in the prescribed form relating to family pension scheme.

According to the Ld. Counsel for the applicant, the respondent authorities did not pay family pension to the applicant after death of his wife Smt. Ruma Mitra despite repeated requests. Being aggrieved the applicant made a representation dated 24.05.2017 (Annexure A/6) ventilating his grievances to the respondent No. 6 i.e. the Communication Accounts Officer, Department of Telecommunications, Office of the Controller of Communication Accounts, West Bengal Telecom Circle, Kolkata, but no reply has been received from the respondents till date.

6. It is submitted by the Ld. Counsel for the applicant that the applicant would be satisfied for the present if a direction is given to the respondent No. 6 to consider and dispose of the representation of the applicant by passing a well reasoned order as per rules governing the field within a specific time frame.

7. Though no notice has been issued to the respondents I am of the opinion that it would not be prejudicial to either of the sides if a direction is given to the respondent No. 6 to consider and dispose of the representation of the applicant as per rules and regulations in force within a specific time limit.

WLL

8. Accordingly the respondent No. 6 i.e. the Communication Accounts Officer, Department of Telecommunications, Office of the Controller of Communication Accounts, West Bengal Telecom Circle, Kolkata is directed to consider and dispose of the representation of the applicant dated 24.05.2017 (Annexure A/6) by passing a well reasoned order as per rules and regulations governing the field within six weeks from the date of receipt of this order. If the applicant is found entitled to the benefits as prayed for in the representation, I hope and trust that the respondent authorities will grant such benefits to him within further period of six weeks from the date of taking decision in the matter.

9. It is made clear that I have gone into merits of the case and all the points raised in the representation of the applicant are kept upon for consideration by the respondent authorities as per rules.

10. With the above observations, O.A. is disposed of. No costs.

drh

(A.K. Patnaik)
Member (J)