

1  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 350/01350/2014

Date of Order 29.01.2016.

Present : Hon'ble Ms. Urmita Dutta (Sen), Judicial Member

Chandma Hossain

Vs.

E. Rly.

For the Applicant : SK. SH Molla, Counsel

For the Respondents : Mr. BK Roy, Counsel

ORDER (Oral)

Per Ms. Urmita Dutta (Sen), JM:-

The instant application has been filed for a direction upon the respondents to release the settlement dues of the deceased husband of the applicant with consequential benefits as well as family pension.

2. As per the applicant, she is the legally wedded wife of the deceased employee, Modasser Hossain, Ex- TTE/Eastern Railway, Sealdah, who died in harness on 05.07.2013 and her name is reflecting in the PF nomination. As per the applicant, the ex-employee died leaving behind the applicant, one son, namely, Barbar Ali Hossain and three daughters, namely, Tuhina Begum (Khatun), Nargis Begum (Khatun) and Dalima Khatun (bibi) which would be evident from the family declaration dated 26.03.2014, issued by Bilkumari Gram Panchayat as annexed in Annexure A-4 of the OA. However, the respondents are not disbursing the retiral benefits to the applicant on the ground that another lady called as Kalyani Hossain as claimed to be the 2<sup>nd</sup> wife of late Modasser Hossain. The authority asked for succession certificate before disbursing the retiral benefit. The Civil Judge (Junior Division), 2<sup>nd</sup> Court, Krishnagar, Nadia has passed order dated 04.01.2016 in T. S. 30 of 2014, wherefrom it would also be evident that the applicant has been declared the wife of the deceased employee along with her four children, wherein their names have also been reflected. Moreover, as per the applicant, the said Kalyani Hossain is the wife of another person, namely, Swapan Kr. Mazumdar, which would be evident from Electoral Roll of 2014 and the Chaitali Mazumdar is the daughter of said Swapan Kr. Mazumdar. Whereas as per the respondents, though in the PF nomination, the name of the applicant is reflecting as

uh

nominee along with her son, Barbar Ali Hossain but in one pass declaration, the name of Kalyani Hossain is reflected, therefore, they have asked for succession certificate from the applicant.

3. Learned counsel for the respondents has further submitted that the said Kalyani Hossain had earlier filed one WP No. 30115(W) of 2015, which was dismissed on the ground of lack of jurisdiction. However, no fresh case has been filed by said Kalyani Hossain before this Tribunal. On earlier occasion, the respondents was directed to bring the service book as well as other relevant documents with regard to the deceased employee. Today, they have brought both the service book as well as other related documents, wherefrom my attention has been drawn to one inquiry report filed by the Staff and Welfare Inspector/SDAH dated 14.12.2013, wherein the following names has been recorded including the applicant:

- |    |                       |   |                   |
|----|-----------------------|---|-------------------|
| 1. | Tuhina Begam          | - | Married daughter  |
| 2. | Nargis Begam (khatun) | - | Married daughter  |
| 3. | Barbar Ali Sk         | - | Son               |
| 4. | Dalima Khatun (Bibi)  | - | Married daughter. |

4. I have heard both and perused the materials on record.

5. It is noticed that the applicant being the legally married wife, has prayed for retiral benefit, whereas due to the claim of the another lady called as Kalyani Hossain, she was asked to file succession certificate.

6. However, during the course of hearing, it has been submitted by the respondents that no such permission of 2<sup>nd</sup> marriage with Smt. Kalyani Hossain has been granted. Moreover, from the perusal of the inquiry report dated 14.12.2013 by the Staff and Welfare Inspector, Sealdah Division, it has transpired that the claim of Smt. Chandma Hossain being found satisfactory and genuine one, which is also tallying with the family declaration as referred in Annexure A-4 as well as in order dated 04.01.2016 passed in T.S. 30 of 2014. Moreover, in PF declaration, Smt. Chandma Hossain has been referred as nominee by the deceased employee.

us.

7. Therefore, I failed to understand, when the Staff and Welfare Inspector had already submitted a favourable inquiry report in favour of the applicant then why the respondents are asking for succession certificate. Whereas from perusal of the Electoral Roll, which is kept on record, it transpired that the husband of Kalyani Mazumdar is Swapan Kr. Mazumdar and father is Chaitali Mazumdar is also Swapan Kr. Mazumdar.

8. As the respondents themselves after inquiring had found that the claim of the applicant is genuine one and the competent authority has also passed an order in favour of the applicant declaring the applicant as wife of the deceased employee along with four children. Therefore, the applicant is entitled to the retiral dues.

9. In such view of the <sup>above</sup> ~~matter~~, the respondents are directed to disburse the retiral benefits along with arrears along with interest @ 8% from the due date of entitlement to the actual date of payment, within a period of 2 months from the date of receipt of a copy of this order and also to provide family pension forthwith to the applicant.

10. With the above observation, the OA is disposed of. No order is passed as to costs.

*(Signature)*  
(Urmita Dutta (Sen))  
Member (J)

pd