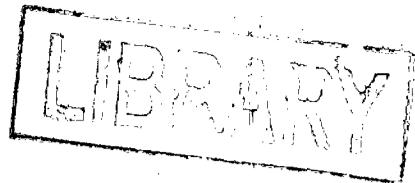


O.A.350/1435/2017



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

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

Original Application No. of 2017

Smt. Jayanti Mondal

Wife of Late Dilip Kumar Mondal

59, Santosh Roy Road (Barisha)

P.S: Haridevpur, P.O. Barisha

Kolkata – 700008

.....Applicant

- Versus -

1) Union of India, service
through the Secretary,
Ministry of ~~Home~~ ^{Defence} ~~South~~ Affairs,

(P) ^{South}
Government of India, ~~Jai Singh~~
South Block, Nirman Bhawan, Chanaky
Nagar, New Delhi – 110011
P.W.D.

2) The Sr. General Manager,
Indian Ordnance Factories,
Ministry of Defence, Gun and
Shell Factory, Cossipore,
Kolkata – 700002

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3) The Asst. Works
Manager/Admin, Indian
Ordnance Factories, Ministry
of Defence, Gun and Shell
Factory, Cossipore, Kolkata -
700002

.....Respondents

W.S.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/01435/ 2017

Date of order: 11.04.2018

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

For the applicant : Mr. N. Chandra Mondal, counsel
Ms. M. Chatterjee, counsel

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

ORDER

Mr.A. K. Patnaik , Judicial Member

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

" a) A direction upon the respondent authorities to acknowledge the fact that your applicant is duly entitled to her family pension as the lawful widow of the deceased employee and subsequently, fulfil her claims;
b) A direction upon the respondent authorities to pay to the applicant her family pension that is due with respect to the time period starting from her husband's death up to the fulfilment of her claims, along with interest;
c) A direction upon the respondent authorities to pay compensation to the applicant for their unnecessary inaction that made her from severe hardships and undue harassment;
d) Any further direction or directions, order or orders as the Hon'ble Tribunal may deem fit and proper."

2. Heard Ld. counsel Mr. N. Chandra Mondal and Ms. M. Chatterjee for the applicant. Ld. counsel for the respondents Mr. S. K. Ghosh is also present and heard.

3. Brief facts of the case as narrated for the applicant are that the husband of the applicant was working in the Gun and Shell Factory, Cossipore, Kolkata and while working under the respondents he passed away on 30.04.2014. It is submitted by the Ld. counsel for the applicant that the husband of the applicant

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was entitled to pension after his retirement as per Pension Payment Order No. C/FYS/20842/2003 issued by the Office of the Principal C.D.A. (Pensions), Allahabad but the applicant's name was not mentioned as a nominee though she is the legal wife of the deceased employee. It is further submitted by the ld. counsel for the applicant that the applicant and her husband had been living separately for a long time until the death of her husband and there had been some court cases pertaining to this matter and as per order of the Judicial Magistrate, Alipore in Case No.M-229 of 1983, the husband of the applicant paid maintenance for their children under Section 125 of the Cr.P.C. It is also submitted that the applicant and her husband were not divorced and they always remained the legal husband and wife, therefore, the applicant is entitled to family pension after her husband's death. The ld. counsel for the applicant further submitted that the applicant approached the respondent authorities for payment of family pension being the legal wife of the deceased employee Late Dilip Kumar Mondal and the respondent No.2 i.e. the Sr. General Manager, Indian Ordnance Factories, Ministry of Defence, Gun and Shell Factory, Cossipore asked the her to furnish some essential documents for the purpose. Grievance of the applicant is that though she submitted the requisite documents to the respondent No.2 as per their instruction, the prayer of the applicant has not been considered by the authorities till today. Being aggrieved and dissatisfied with such inaction on the part of the respondents, the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. Ld. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the respondent No.2 i.e. the Senior General Manager, Indian Ordnance Factories, Ministry of Defence, Gun and Shell



Factory, Cossipore, Kolkata to consider and dispose of the representation of the applicant dated 28.06.2016 (Annexure A/7) as per the rules and regulations governing the field within a specific time frame.

Ld. counsel for the respondents has no objection to the prayer made by the ld. counsel for the applicant.

5. Though no notice has been issued to the respondents I find that it would 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 in a time bound manner.

6. Accordingly, the respondent No.2 i.e. The Senior General Manager, Indian Ordnance Factories, Ministry of Defence, Gun and Shell Factory, Cossipore, Kolkata is directed to consider and dispose of the representation of the applicant dated 28.06.2016 (Annexure A/7) by passing a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of this order and communicate the decision to the applicant forthwith.

After such consideration, if the claim of the applicant is found to be genuine, then the respondent authorities shall grant consequential benefits to the applicant within a further period of 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 O. A. and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules.

8. With the above observations and directions the O. A. is disposed of. No order as to cost.

(A. K. Patnaik)
Judicial Member

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