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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
CALCUTTA

Original Application No. 350/1443 of 2017

Surama Dey, wife of Sri Sukamal Kanti Dey
residing at Thanamakua (Natunpara), Post
Office - Danesh Sk. Lane, Police Station -
Sankrail, District - Howrah, PIN -

.....Applicant

-Versus-

1. The Union of India service through the
Ministry of Communication
Secretary, Department of Post, Dak Bhawan,
New Delhi 110001

2. The Director of Postal Service (Mail
Motor), Having office at Yagajog Bhawan,
Kolkata - 700 012.

3. The Director of Pension Services, Yagajog
Bhawan, Kolkata - 700 012.

4. The Senior Manager,
The Department of Post Offices,
Mail Motor Service, Beliaghata,
Calcutta - 700 015.

5. Sri Sukamal Kanti Dey
Son of late Saraj Kanti Dey
Residing at 9/B, Ananda Palit Road, Post office
and Police Station - Entally, Calcutta - 700 014.

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6. Rina Dey

Daughter of not known

residing C/o. Sukamal Kanti Dey,

at 9/B, Ananda Palit Road, Post office and

Police Station - Entally, Calcutta - 700 014.

.....Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No.O.A.350/1443/2017

Date of order : 08.05.2018

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

For the applicant : Mr. S. Chattopadhyay, counsel

For the respondents : Mr. R. Roychowdhury, counsel
Mr. A.N. 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 reliefs:-

"8.(i) An order directing the respondent authorities to cancel, rescind and/or withdraw the purported order /sanction whereby the pension and other retrial benefit in favour of the applicant was granted.

(ii) An order directing the respondent authorities to cancel, rescind and/or withdraw the name of the respondent no. 6 purportedly incorporated in the pension papers and other related documents of the respondent no. 5 and to make a rectification accordingly.

(iii) An order directing the authorities to incorporate the name of the applicant as the wife and nominee of the respondent no. 5 on the pension papers / documents / records in place of the respondent no. 6.

(iv) An order directing the respondent authorities to produce entire records on the basis of which the pension papers and documents of the respondent no. 5 was processed and granted / sanctioned.

(v) Any other order or orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard Mr. S. Chattopadhyay, Id. counsel for the applicant. Mr. R.

Roychowdhury and Mr. A.N. Ghosh are also present for the respondents.

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3. Brief facts of the case as stated by Id. counsel for the applicant Mr. S. Chattopadhyay are that the applicant is the wife of the Respondent No.5 who was working under the respondents and she was deserted with her newly born child by her husband. It is submitted by the Id. counsel for the applicant that she was getting maintenance for her minor child. Id. counsel for the applicant submitted that the applicant came to know from reliable sources that her husband retired from service in February, 2017 and prepared his pension papers by affixing a fake photograph of a lady who is not his legal wife and the department is taking steps to release the pension on the basis of those documents. Being aggrieved the applicant sent an advocate's notice to the Respondent No.4 i.e. the Senior Manager, Department of Post Offices, Mail Motor Service, Beliaghata, Kolkata dated 20.03.2017 (Annexure A/4), but the respondent authorities have not considered her case till date.

4. I find that the applicant has sent her prayer to the authorities through her advocate vide Annexure A/4 which cannot be directed to be considered. When such fact was brought to the notice of the Id. counsel for the applicant, Mr. S. Chattopadhyay, he submitted that the applicant would be satisfied if permission is given to file a comprehensive representation to the respondent No.4 ventilating her grievances and the said authority is directed to consider and dispose of the same as per rules within a specific time frame.

Considering the facts and circumstances of the case, I think it would not be prejudicial to either of the parties if the prayer of the Id. counsel for the applicant is allowed.

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5. Accordingly the the applicant is permitted to file a comprehensive representation to the respondent No.4 i.e. the Senior Manager, Department of Post Offices, Mail Motor Service, Beliaghata, Kolkata ventilating her grievances within a period of 15 days from the date of receipt of this order and the said authority is directed to consider and dispose of the same as per rules and regulations in force by passing a well reasoned order within a period of six weeks from the date of receipt of such representation if so filed and communicate the decision to the applicant forthwith. After such consideration, if the applicant is found entitled to the benefits as claimed in the representation, the respondent authorities shall grant such benefits within a further period of six weeks from the date of taking decision in the matter.

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

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

8. A copy of this order be handed over to the Id. counsel for the parties. Id. counsel for the applicant is given liberty to annex a copy of this order along with the representation to be preferred by her to the respondent authorities.

(A.K. Patnaik)
Judicial Member

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