

CENTRAL ADMINISTRATIVE TRIBUNAL
KOKATA BENCH, KOLKATA

O.A./350/01752/2016

LIBRARY

Date of orders : 22nd Nov., 2017

CORAM

HON'BLE MRS. BIDISHA BANERJEE, MEMBER (J)
HON'BLE JAYA DAS GUPTA, MEMBER (A)

Nooran Halder @ Nurannesa Halder @Nurunesa Bibi, wife of Nizabar Rahman Halder, aged about 54 years, and residing at Uttar Jalkhura, Halderpara, PO & PS - Maheshtala, Kolkata - 700141, District - 24 Parganas [South].

.....applicant

By Advocate : Mr. A.K.Das.

Versus

1. Bharat Sanchar Nigam Ltd. Office of the Chief Engineer [Civil] Calcutta Telephones, District - Door Sanchar Bhawan, [7th Floor], 2/5A, Judges Court Road, Alipore, Kolkata - 700 027.
2. The Executive Engineer [Civil], BSNL Civil Division No.1, 8, Bantick Street, 7th Floor, Taher Mansion, Kolkata - 700001.
3. The Senior Accounts Officer, [CA-11] Office of Chief General Manager, BSNL, CTD, Martin Burn House, 1,R.N. Mukherjee Road, Kolkata - 700001.

..... Respondents.

By Advocates: None.

ORDER [orall]

Per Bidisha Banerjee, Member (J):- None appeared on behalf of the respondents earlier and today, therefore, this application is being disposed of invoking Rule 16[1] of CAT [Procedure] Rules, 1987.

2. This application was filed seeking the following reliefs :

"8[a] An order directing the respondents Authorities concerned to calculate the entitle service benefits, other benefits, pension, funeral expenses of the deceased employee and release the same to the applicant forthwith.

[b] An order directing the respondents authorities to disburse the entire death benefit to the wife of he deceased as the applicant herein as well as pension.

[c] An order be passed directing the respondents to produce the entire records relating to case of the applicant

[d] And to pass such other or further order or orders as your Lordship

may deem fit and proper."

3. It could be noticed from the pleadings that the applicant was, by an order dated 20.01.2016 [Annexure-A-4] from the Executive Engineer [P&A], the applicant was asked to produce valid documents in regard to her "legal status as wife" of Mizbar Rahaman Halder, either "by legal authentic certificate or by a competent court of law and the documents and papers similar to the documents of papers produced by the employee concerned, which are recorded in the service records", as also the fact that for want of valid document, necessary dues or due payments could not be made to the applicant as legal heir or wife of the deceased employee.

4. The applicant has brought on record the following documents in support of her claim –

- [i] An authorization letter for treatment in Hospital issued on 11.05.2015 by the Executive Engineer [P&A] with a copy to the employee.
- [ii] An order issued on 16.10.2015 to the applicant asking her to submit the birth certificate of her children to expedite the settlement dues in respect of the deceased employee.
- [iii] On 17.06.2015, her prayer for financial assistance of Rs. 15,000/- was forwarded by the Executive Engineer [P&A] to the A.G.M. [Welfare and Sports].
- [iv] A certificate from Maheshtala Municipality certifying the legal heirs and successors of the deceased.
- [v] The identity card issued by the Election Commission of India as also Aadhar Card.
- [vi] An affidavit declaring her status and the date of birth of her children.
- [vii] A declaration of family [Annexure-A-2] of the employee made on 27.06.2011.

5. Learned counsel for the applicant submitted that despite production of the documents supra, no settlement dues have been released in her favour along with her children.

6. Ld. Counsel submitted that the applicant is the nominee in regard to family pension and that the respondents are deliberately withholding the payment without any reason.

7. No reply is forthcoming contradicting, disputing or denying the facts presented in this OA

8. We noted the pleadings, oral submissions and materials available on record as also the details of family as contained in Annexure-A-2 to the OA, which seems to be a document issued by the respondents.

9. For the ends of justice, we dispose of the OA with a direction upon the Respondent No.1 or any other competent authority to consider the representations preferred by the applicant from time to time seeking family pension, arrears of family pension and other settlement dues of late Mizbar Rahaman Halder, in consultation with their office records as well as the documents to be produced by the applicants before the said authority as also the rules governing the field, and to dispose it of with a reasoned and speaking order within a period of two months from the date of communication of this order.

10. If nothing stands in the way, let appropriate benefits be released to the applicant and other legal heirs within one month thereafter.

11. It is made clear that we have not gone through the merits of this case and all points are kept open for consideration by the authorities in accordance with law.

12. No costs.

[Jaya Das Gupta]
Member (Admn.)
mps/-

[Bidisha Banerjee]
Member (Judicial)