

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, NIZAM PALACE, KOLKATA.

O.A. No. 270 of 2017

IN THE MATTER OF :

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

A N D

IN THE MATTER OF :

Miss Shikha Dasgupta, daughter of Late  
Tarakeswar Das @ Dasgupta, resident of  
Shampa Mirza Nagar Government  
Housing Estate, 1<sup>st</sup> Phase, Block - N1,  
Flat No. 14, Post - Office Sarkarpool,  
Kolkata - 700143.

..... Applicant.

= Versus =

1. The Union of India, through the  
Secretary, Ministry of Communications,  
Department of Telecommunications,  
Union of India, Sanchar Bhawan, 20,  
Ashoka Road, New Delhi - 110001.



2. The General Manager, Calcutta Telephone(BSNL), Pension Welfare Section, Kolkata – 700001.

3. The Chief General Manager, Calcutta Teephones, Telephone Bhavan, 4<sup>th</sup> Floor, 34, B.B.D. Bag, Kolkata – 700001.

4. The Sub – Divisional Engineer/Staff – III, Headquarters, Calcutta Telephone BSNL., Telephone Bhavan, 4<sup>th</sup> Floor, 34, B.B.D. Bag, Kolkata – 700001.

...Respondents.


No. O.A. 350/00270/2018

Date of order: 6.3.2018

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member

For the Applicant : Mr. P.K. Roy, Counsel  
Ms. S. Sarkar, Counsel

For the Respondents : Mr. R.N. Pal, Counsel

ORDER (Oral)A.K. Pattnaik, Judicial Member:

Heard Mr. P.K. Roy along with Ms. S. Sarkar, Ld. Counsel for the applicant and Mr. R.N. Pal, Ld. Counsel for the respondents.

2. On perusal of documents, I find that the authorities have informed the applicant vide letter dated 28.7.2017 (Annexure "A-8" to the O.A.) which reads as under:-

"No. S/Pen(R)Misc./14-15/TD      Dated at Kolkata-1, the 28/7/2017

To  
Miss Sikha Dasgupta,  
Unmarried daughter of Late Tarakeswar Dasgupta,  
Block No. - N.1, Flat - 14,  
Sampa Mirza Nagar Estate,  
Budge Budge Trunk road,  
Sarkarpool,  
Kolkata - 700 143.

Sub: Appeal for extended family pension to dependent daughter.

Ref: This office letter of even No. dated 3.9.2016.

Madam,

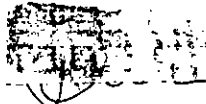
With reference to the above mentioned letter, you are once again requested to obtain a Official Order from Competent Civil Court regarding your status as a daughter of said Late Tarakeswar Das (ex-employee) as much as per law of our land, the Competent Civil Court has only jurisdiction to pronounce such declaration.

So, you are requested to obtain the same and submit to this office for further processing at this end.

(P.K. Chakraborty)  
SDE/Staff-III/HQ  
BSNL/Calcutta Telephones"



3. I do not find any illegality and infirmity in this order and moreover neither the applicant has filed any succession certificate from any competent Court of law nor has any legal heir certificate been produced. Either of the said documents is essential for grant of pension/family pension to the applicant, who has claimed that she is the daughter of the deceased Govt. employee and even after the death of the mother she is still unmarried.
4. I find that the applicant has already submitted certain documents which has been summarised in Annexure A-6 to the O.A. but I find neither the legal heir certificate nor succession certificate has been produced.
5. The Ld. Counsel for the applicant submits that the applicant will make best endeavour to obtain the legal heir certificate to grant pensionary benefits in her favour.
6. I am satisfied with such submission and grant liberty to the applicant to apply and obtain the legal heir certificate and submit the same before the appropriate authorities within a period of six weeks from the date of receipt of a copy of the order and if such legal heir certificate and a copy of this order along with representation is submitted within a period of six weeks from the date of receipt of this order then the said authority, if otherwise admissible, will extend the pensionary benefits to the applicant, who is the unmarried daughter of the deceased.
7. With the aforesaid direction, the O.A. is disposed of.
8. As prayed for by the Ld. Counsel for the applicant and respondents, a copy of this order be handed over to both the parties by tomorrow.

  
(A.K. Patnaik)  
Judicial Member