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O.A. No. 350/299/2017

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, NIZAMPALACE, CALCUTTA

Original Application No. of 2016

IN THE MATTER OF:

Smt. Dulu Biswas, wife of Late Susil Kumar
Biswas at present residing at Premises No-2,
Sahid Ganesh Dutta Road, Lane 1,
Ramkrishna Pally, Po- Birati, Ps- Nimta,
Calcutta 7000 51.

Applicant

-Versus-

1. Union of India, Service through Secretary,
Ministry of Finance Government of India,
Udayag Bhaban, New Delhi-110011.

2. Comptroller and Auditor General of India,
having his office at 10, Bahadur Shah Zafar Marg,
Indra Prastha, New Delhi 2, Pin- 100002



3. Director General of Audit, Government Press Building, No- 8, Kiran Shankar Roy Road, Calcutta 70000 1.
4. Principal Accountant General (A & E), West Bengal, having his office at Treasury Building, No- 2, Government Place West, Calcutta 70000 1.
5. Accounts officer (A & E), office of the Accountant General, West Bengal, having his office at Treasury Building, No- 2, Government Place West, Calcutta 70000 1.
6. Chief Engineer, Public Works Department having his office at Nabanya, 325, Sarat Chatterjee Road, Mandirtala, Howrah- 711102.
7. Executive Engineer, PWD Resource Division No-1, having his office at No- 67, Bentinck Street, 4th Floor, Calcutta 7000 69.

... Respondents.



O.A.No.350/299/2017

Date : 21.12.2017

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

For the applicant : Mr. P. Banerjee, counsel

For the respondents : Mr.S.N. Roy, counsel(No.6 & 7)

ORDER**A.K. Patnaik, Judicial Member**

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved for inaction on the part of the respondents for assessing the entire retiral benefits of the deceased husband of the applicant and also for illegal withholding of family pension, arrear pension, death gratuity and other retiral benefits to which she is entitled as per rules after the demise of her husband.

2. In the O.A. the applicant has prayed for the following reliefs:-

"A) A Mandatory Order directing the Respondents and/or their agents and/or their subordinates to assess the Final Pension of the deceased husband of the petitioner taking into account his date of retirement and to release the arrear pension, death Gratuity, Provident Fund, Leave Encashment Salaries and other retiral benefits in accordance with the Rules in favour of the Applicant which she is entitled after demise of her husband and also direct the Respondents to pay the arrear Family Pension on and from 29th December, 2011, the date of death of her husband forthwith and go on paying the Family Pension in the name of the Applicant in month by month henceforth.

B) Any other order and/or further orders as Your Lordships may seem fit and proper."

3. Heard Mr. P. Banerjee, Id. counsel for the applicant. Id. counsel Mr. S.N.

Roy is also present and heard on behalf of the respondent No.6 and 7.

4. Mr. P. Banerjee, Id. counsel for the applicant submitted that the applicant would be satisfied for the present if she is permitted to file a comprehensive representation ventilating her grievances therein and the competent respondent authority is directed to consider and dispose of the same as per rules within a specific time frame.

5. Though no notice has been issued to the respondents for filing reply, I do not think it would be prejudicial to either of the sides if the applicant is permitted to file a comprehensive representation enclosing all the requisite documents and the competent respondent authority is directed to consider and decide the same as per rules within a specific time limit.

6. Accordingly the applicant is given liberty to file a comprehensive representation ventilating her grievances therein by enclosing all the requisite documents along with a copy of this order to the Respondent No.4 within two weeks from today and in case such representation is filed by the applicant within two weeks, the Respondent No.4 i.e. the Principal Accountant General(A&E), West Bengal, Treasury Building, No.2 Government Place West, Calcutta-700001 is directed to consider and dispose of the said representation by passing a well reasoned order as per rules and regulations governing the field within a period of 4 weeks from the date of receipt of the same and communicate the decision to the applicant forthwith. If the applicant's claim is found to be genuine, the benefits claimed in the representation shall be granted to her within a further period of six weeks from the date of taking decision in the matter.

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7. 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.

8. As prayed by Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No.4 by speed post by the Registry for which he undertakes to deposit the cost within one week.

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

(A.K. Patnaik)
Judicial Member

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