

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.No. 350/01/08 of 2018

In the matter of :

An application under section 19 of
Administrative Tribunal Act, 1985.

And

In the matter of :

Smt. Balarani Datta, wife of Late
Rakhahari Datta, residing at Village
and Post Office - Khandaghosh,
District - Burdwan, Pin Code -
713142.

.....Applicant

Versus

1. Union of India, service
through the Chairman and
Managing Director, Bharat Sanchar
Nigam Limited (B.S.N.L), 20
Ashoke Road, New Delhi, Pin Code

2. The General Manager (CFA-2), Bharat Sanchar Nigam Limited (B.S.N.L), Asansol, SSA, Burdwan Division, Telephone Bhawan, G.T. Road, Burdwan, Pin Code - 713101.

3. The Director (ESTT-WB), Department of Telecommunication, Telephone Bhawan, Kolkata - 700001.

4. The Deputy General Manager (CFA-2), Bharat Sanchar Nigam Limited (B.S.N.L), Assensol, SSA, Burdwan Division, Telephone Bhawan, G.T. Road, Burdwan, Pin Code - 713101.

5. The Divisional Engineer, Telegraphs Burdwan Division, Post Office and District - Burdwan, Pin Code - 713101.

.....Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1108/2018

Date of Order: 29.11.2018

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

Balarani Dutta
-VS-
BSNL

For the Applicant(s): Mr. S. Sha, Counsel

For the Respondent(s): Mr. S. K Ghosh, Counsel

ORDER (Oral)

A.K Patnaik, Member (J):

Heard Mr. S.Sha, Ld. Counsel for the applicant, and Mr. S.K.Ghosh, Ld. Counsel appearing for the Official Respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

a) An order be passed directing the respondents authorities to calculate and release all service benefits of late Rakhahari Datta, Ex-BSNL employee, in favour of your applicant with all accrued interest thereof within a specified time.

b) An order be passed by quashing/setting aside the impugned letter no. QD-169/35 dated 11th April, 2018 and any order/orders passed in connection therewith.

c) Order be passed directing the respondents to certify and transmit all relevant records of this case before this Learned Tribunal so that conscionable justice may be administered.

d) Pass such further or other order/orders, direction/directions as to this Learned Tribunal may think fit and proper."

3. Mr. Sha, Ld. Counsel for the applicant, at the outset, submitted that the applicant, who is the wife of the deceased employee, prayed for releasing of service benefits as well as Family Pension in her favour. On 11th April, 2018 the respondents authority asked for submission of the Succession Certificate to disburse the retiral dues and family pension in her favour. Ld. Counsel submits

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that since the name of the applicant is already appearing in the service record, there is no bar in releasing the retiral benefits and family pension. He forcefully argued that the applicant being the legally married wife of the deceased employee is entitled for the benefit claimed by her but the Respondents are forcing her to go and get Succession Certificate, which is nothing but undue harassment. However, on being questioned as to how such a thing has happened, Mr. Sha brought to my notice Annexure-A/4 and submitted that the Respondent No.4 has directed the applicant to get a Succession Certificate. On perusal of the documents annexed under Annexure-A/4, I found that the Respondent No.4 has passed the following orders:

"You are hereby instructed to submit the SUCCESSION CERTIFICATE as early as possible for settlement the family pension case of Lt. Rakhahari Datta, Ex-TM, Burdwan Division, Burdwan."

4. I do not think any justification in such an order as the Respondents have the authority to ask for any document while not denying the grant of benefit as claimed by the applicant. Therefore, in my considered view, this O.A. is quite premature.

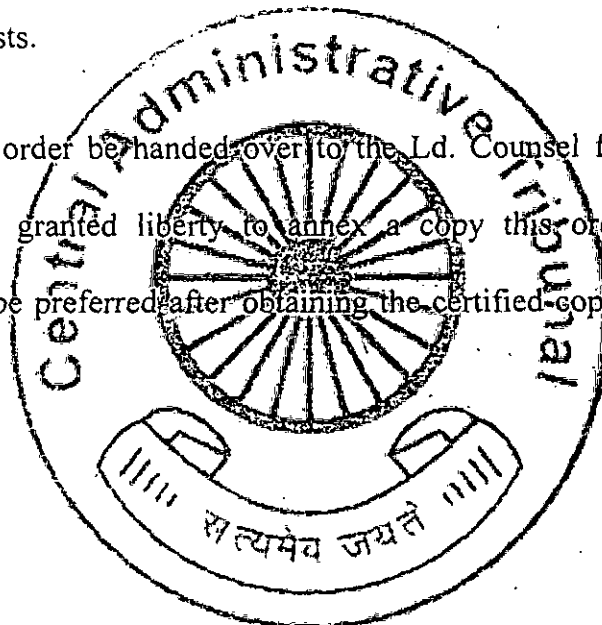
5. On the above point, Mr. Sha prayed liberty of this Tribunal to withdraw the O.A. and undertook that the applicant will take all necessary steps as far as possible to get Succession Certificate as early as possible and prayed that a direction may be issued to Respondent No.4 to consider the said Succession Certificate and other documents and grant the benefit of pension and pensionary dues to the applicant keeping in mind the service record also. I do not think that it will be prejudicial to either of the sides if such an innocuous order is passed. Therefore, while disposing of this O.A. being not pressed, I direct Respondent No.4 that if the applicant files any comprehensive representation annexing Succession Certificate (after getting the same from the competent Court of Law), along with other related documents,

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then Respondent No.4 will consider the case of the applicant keeping in mind the records made in the Service Book as well as Succession Certificate and other related documents and communicate the result thereof to the applicant within a period of three months from the date of receipt of the representation. I also make it clear that after such consideration if the applicant's grievance is found to be genuine and she is found to be entitled for pensionary benefits then expeditious steps be taken to extend the benefit to the applicant within a period of six months from the date of such consideration.

6. With the aforesaid observation and direction, this O.A. stands disposed of as withdrawn. No costs.

7. Copies of this order be handed over to the Ld. Counsel for both the parties. Applicant is also granted liberty to annex a copy this order along with the representation to be preferred after obtaining the certified copy of the Succession Certificate.



(A.K.Patnaik)
Member(J)

RK/PS