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In the Central Administrative Tribunal
Calcutta Bench

O.A. No. ~~35~~/1038 of 2018

-And-

In the matter of:

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

-And-

In the matter of:

1. Rita Baidya (Halder),
Wife of Late Rabindra Nath
Baidya (Ex-T.T. under BSNL
Krihnagar Telecom District),
Village - Rishi Arabinda Pally,
Post Office and Police Station -
Karimpur, District - Nadia, Pin
Code - 741152.

2. Manadip Baidya,
Son of Late Rabindra Nath
Baidya (Ex-T.T. under BSNL
Krihnagar Telecom District), since

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minor is being represented by his natural guardian and mother namely Rita Baidya (Halder), Village - Rishi Arabinda Pally, Post Office and Police Station - Karimpur, District - Nadia, Pin Code - 741152.

.....Applicants.

-Versus-

1. The Union of India, service through its Secretary, Ministry of Communication and Information Technology, Department of Telecommunication, having its office at Public Enterprise Bhavan, C.G.S. Complex, Block No.14, Lodhi Road, New Delhi - 110001.

2. Bharat Sanchar Nigam Limited (A Government Enterprise), service through the Chairman & Managing Director,



Bharat Sanchar Bhawan, 7th
Floor, Harish Chandra Mathur
Lane, Janpath, New Delhi -
110001.

3. The Director (HR), Bharat
Sanchar Nigam Limited Bharat
Sanchar Bhawan, 7th Floor,
Harish Chandra Mathur Lane,
Janpath, New Delhi - 110001.

4. The Chief General Manager,
How Department West Bengal Circle of
Telecommunication, BSNL,
1 Council House, street.
How Telephone Bhawan, 34, B.B.D.
Bag, Kolkata - 700001.

5. The Controller of
Communication Accounts,
Department of
telecommunications, Government
of India, West Bengal Circle, 2nd
and 3rd Floor, 8, Esplanade East,
Kolkata - 700069.

W/O

6. The Assistant Controller of Communication Accounts, Department of telecommunications, Government of India, West Bengal Circle, 2nd and 3rd Floor, 8, Esplanade East, Kolkata - 700069.

7. The Telecom District Manager, Krishnagar Telecom District, Nakshatra Bhawan, Administrative Building, BSNL, Arabinda Sarani, Sankar Mission, Krishnagra, District - Nadia, Pin Code - 741101.

8. The Accounts Officer, office at the Telecom District Manager, Krishnagar Telecom District, Nakshatra Bhawan, Administrative Building, BSNL, Arabinda Sarani, Sankar Mission, Krishnagra, District - Nadia, Pin Code - 741101.

.....Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1038/2018
MA/350/519/2018

Date of Order: 14.11.2018

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

For the Applicant(s): Mr. A. Mondal, Counsel

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

Mr. T. K Chowdhury, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Mondal, Ld. Counsel for the applicants. Mr. K.Prasad, Ld. Counsel for the Respondent No.1, and Mr. T.K.Choudhury, Ld. Counsel for the Respondent Nos. 2 to 8, are also present and heard in extenso.

2. M.A.No.519/2018 for joint prosecution is allowed and disposed of.

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

- "a) An order directing the respondents to grant/sanction and release retirement benefit, which were payable on the retirement of the husband of the applicant No. 1, in favour of the applicants as well as family pension without any delay.
- b) An order directing the respondents to produce/cause production of all the relevant records.
- c) Any other order or further order/orders as to this Hon'ble Tribunal may deem fit and proper."

4. The brief facts of the case are that marriage between the applicant No. 1 and Rabindra Nath Baidya was solemnised as per Hindu Rites and Customs on 23.10.2010 and subsequently she got her marriage registered under the provisions of Hindu Marriage Act, 1955 only on 27.05.2016. Husband of the applicant No. 1, namely Rabindra Nath Baidya, retired on 30.09.2016. Prior to that Account Officer

WAC

of the Office of the Telecom District Manager, Krishnagar Telecom District, vide his letter No. E-30/16-17/113, dated 08.09.2016 made communication with the office of the Controller of Communication Accounts concern in respect of retirement benefits and pension payable to said Rabindra Nath Baidya. Vide letter dated 19.10.2016 Assistant Controller of Communication Accounts asked the Account Officer concerned to forward the marital status of Rabindra Nath Baidya and confirm the status of the spouse. However, Rabindra Nath Baidya expired on 18.01.2018. Thereafter, applicant No.1 made detailed representation on 02.02.2018 praying for sanction/grant of retirement benefits.

5. Mr. K. Prasad, Ld. Counsel for the Respondent No.1, fairly submitted that in the year 1998 there was an agreement between the DOT authorities and the BSNL and, therefore, Respondent No.1 is not at all responsible for any dispute arising out of death of the employee and the claim made by the instant applicants. However, as the representation under Annexure-A/6 has been preferred to the BSNL authorities (Respondent No.7), therefore, without going into the merit of the matter, I think it proper to dispose of this O.A. by directing Respondent No. 7 to consider the said representation under Annexure-A/6, if the same has been filed and is still pending consideration, keeping in mind the rules and regulations governing the field and communicate the result to the applicants in a reasoned and speaking order within a period of four weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicants are found to be entitled to the benefits as claimed by them then expeditious steps be taken within a further period of eight weeks to extend those benefits. I make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.



6. Mr. Mondal further prayed that since the matter is being disposed of at the admission stage, Respondents may be restrained from making payment to other claimant. I am not in a position to pass such order, however, I hope and trust that till the consideration is made to the representation of the applicants, Respondents authorities will not disburse the amount to any of the parties.

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

8. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 4 and 7, for which, he undertakes to deposit the cost with the Registry within a week.

9. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS