



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/001431/2018

In the matter of :-

An application Under Section 19 of the
A. T. Act, 1985;

- And -

In the matter of:-

Smt Kum Kum Ghosh, wife of Late
Dinesh Ghosh (Ex-Peon, Office of the
Chief Engineer [EZ]I [P], Central Public
Works Department, Govt of India, 234/4
A.J.C Bose Road, Kolkata-700020), aged
about 52 years, unemployed, residing at
Udayan Pally, Bata Nagar, Maheshtala,
Dist-24Pgs(S), Kolkata- 7000140.

..Applicants

- Versus -

1. Union of India, Service through the
Secretary, Ministry of Urban
Development, Urban Development,
Nirman Bhawan, New Delhi-110011.

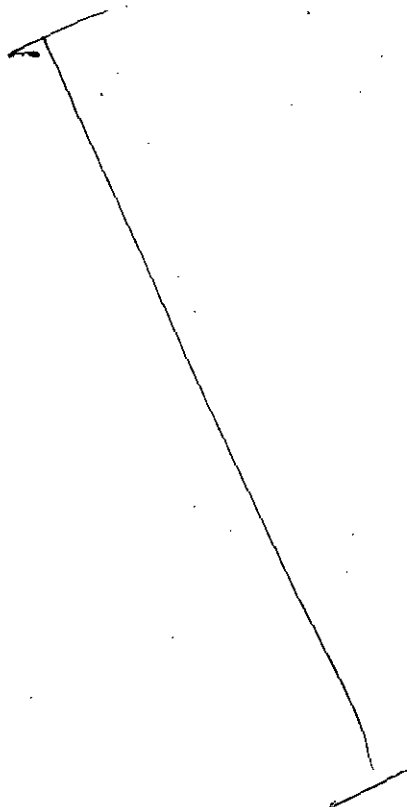
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- 2 -

2. The Director General
Works Department,
Bhawan, New Delhi-110011.
3. The Pay and Accounts Officer, Pay &
Accounts Office(EZ), CPWD, Govt of
India, Ministry of Urban
Development and poverty
Alleviation, Nizam Palace, Kolkata-
700020.
4. The Executive Engineer (HQ), Office
of the Superintending Engineer (P)
EZ-I, CPWD, Nizam Palace, Kolkata-
700020.

Respondents

WJ



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1431/2018

Date of Order: 19.12.2018

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

Kumkum Ghosh -vs- UOI & Ors.

For the Applicant(s): Mr. K.Sarkar, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

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

"8.(i) to issue direction upon the respondents and their men and agents to grant and pay the fixed medical allowance from the date of death of the deceased w.e.f 18.10.2018 forthwith;

(ii) to issue further direction upon the respondents and their men and agents to pay the deposit linked amount of the deceased, forthwith;

(iii) to issue appropriate necessary direction upon the respondents and their men and agents to credit the GPF balance of the deceased forthwith;

(iv) to grant interest on the unpaid retirement benefits @ 9% p.a forthwith;

(v) and to pass such other order or further order or orders as to this Hon'ble Tribunal may deem fit and proper."

3. The brief case of the applicant as enumerated by the Ld. Counsel is that she is aggrieved for not getting the Fixed Medical Allowance of Rs. 1000/- per month since the expiry of her husband, i.e. from 18.10.2009. It is further submitted by the Ld. Counsel for the applicant that it is not known to the applicant whether she has been paid the deposit linked insurance. The representation preferred by the applicant has been disposed of vide order dated 27.06.2018 and she has been

LAO

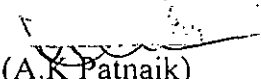
informed that she has to fill up the form for Fixed Medical Allowance. Ld. Counsel for the applicant submitted that the applicant has preferred a representation, along with the requisite undertaking, on 02.07.2018 under Annexure A/7 to Respondent No. 3 but that is still pending for consideration. He further submitted that the grievance of the applicant may be redressed, if the Respondent No. 3 is directed to consider her representation within a specific time frame.

4. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation of the applicant under Annexure A/7, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicant's case is found to be genuine and she is otherwise entitled then she may be given the unpaid allowances as per the admissibility within a further period of six weeks. I also 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.

5. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 3 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

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


(A.K. Patnaik)
Member (J)

RK/PS