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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA Bench.

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

O.A.No. 130/1213 of 2017.

Smt. Bishakhe Mondal,
W/O late Bijoy Krishna Mondal,
of Vill. Purba Hator, P.O. Hator,
P.S. Mograhat, District 24 Parganas
South, Pin - 743610.

... Applicant.

-Versus-

- 1.. Union of India, service through
Secretary, Ministry of ^{Communication} Post, Govt.
of India, New Delhi - 110001.
- 2.. The Post Master General,
Kolkata Region, Kolkata-700 012.
- 3.. Senior Superintendent of Post Offices,
Central Kolkata Division,
Kolkata-700 007.

... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1213/2017

Date of Order: 20.11.2018

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

BISAKHA MONDAL -V-S POST

For the Applicant(s): Ms. K Rani, Counsel

For the Respondent(s): Mr. P. N Sharma, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. Kavita Rani, Ld. Counsel appearing for the applicant, and Mr. P.N.Sharma, Ld. Counsel for the Official Respondents, in extenso.

2. This O.A. has been filed under Section 11 of the Administrative Tribunals Act, 1985 with the following prayers:

a) To direct the respondents and their men and agents and subordinates and transferees to grant family pension to the applicant ^{2nd} wife of the deceased employee Bijoy Mondal on the basis of the application made by her.

b) To direct the respondents to produce the entire records of the case before this Tribunal for adjudication of the points at issue.

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

3. The case of the applicant as submitted by the Ld. Counsel for the applicant, in short, is that the applicant is the second wife of the deceased employee and applied for family pension, which has been denied by the authorities and was released in favour of the first wife. After the death of the first wife of the deceased employee, the applicant applied for the same in her favour but was released in favour of her daughter. Thereafter, after the marriage of the daughter of the applicant, the

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applicant is facing financial distress and hence has applied for release of family pension in her name. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred representation under Annexure-A/4 on 02.06.2016 before Sr. Superintendent of Post Offices, Respondent No. 3, enclosing all the documents for grant of family pension. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if Respondent No.3 is directed to consider her representation within a specific time frame.

4. At the outset, Ld. Counsel for the Official Respondents, opposed the maintainability of the O.A. by stating that after imposition of major penalty, the applicant is not entitled to any other relief and also there is already a delay of 26 years and the children of the second wife are getting benefit of family pension.

5. Having heard Ld. Counsel for 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/4, if the same has been filed and is pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations in force as well as a succession certificate issued by the competent Court of Law within a period of eight weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicant is found to be entitled to the family pension as claimed by her then expeditious steps be taken within a further period of eight weeks to extend that benefit. 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.

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

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7. 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.

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

(A.K.Patnaik)
Member(J)

RK/PS

