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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, NIZAM PLACE

O. A. NO. 350/1084 OF 2018

A N D

IN THE MATTER OF :

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

A N D

In the matter of :

Rahima Molla, Widow of Mahfuz Ali
Molla, Ex-Postman, Village : Nalgōra,
P.O. Sonatikari, District : South 24-
Parganas, Pin : 743349.

... Applicant

-Versus-

1. Union of India, Service through the
Secretary, Ministry of
Communication, Department of Post,
Dak Bhavan, New Delhi: 110001.

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2. The Chief Post Master General,
West Bengal Circle, Yogajog Bhavan,
C.R. Avenue, Calcutta: 700 012.

3. The General Manager (Postal
Accounts and Finance), West Bengal
Postal Circle, Kolkata, P-36, C.R.
Avenue, Yogayog Bhavan, Kolkata :
700 012.

4. The Assistant Account Officer
(Pension), having its office of the
General Manager (Postal Accounts
and Finance), West Bengal Postal
Circle, Kolkata, P-36, C.R. Avenue,
Yogayog Bhavan, Kolkata : 700 012.

Leave is granted by the Honble
court on 16.11.18, the respondent no. 6
is added as respondent no. 6
Pankaj Chakrabarty
Advocate
16.11.2018.

6. The Sr. Accounts Officer
(Pension / Section) OTO.
The G.M. CPA & Yogayog
Bhavan) P-36, C.R. Avenue
Kolkata - 700012.

Respondents

5. The Superintendent of Post
Offices, South Presidency Division,
Baruipur, P.O. Baruipur, District:
South 24-Parganas.

... Respondents

be

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/1084/ 2018

Date of order: 20.11.2018

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

Rahima Molla –vs- Post

For the Applicant(s): Mr. P. Halder , Counsel

For the Respondent(s): Ms. D. Nag, Counsel

ORDER (ORAL)

A.K Patnaik, Member, Judicial Member

This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- "a) An order do issue directing the concerned respondent authorities to release current and arrear family pension in favour of the applicant on the death of her husband, Mafuz Molla, Ex-Postman of Raidighi Sub-Post Office under Baruipur Division, District South 24 Parganas w.e.f 6.3.2011 forthwith;
- b) a further order do issue directing the concerned respondent authorities to pay interest on the arrear family pension @ 10p.a for delayed payment forthwith;
- c) any other appropriate order or orders, direction or directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicants;
- d) Leave granted under Rule 4(5) of the West Bengal Administrative Tribunal (procedure) Rule 1994 to file a single application by more than one applicant having regard to the cause of action and nature of relief prayed for, being the same."

2. Heard Mr. P. Halder, Id. counsel for the applicant. Ms. D. Nag, Id. counsel for the respondents is also present and heard.

AS

3. Brief facts of this case as narrated by Id. counsel for the applicant are that the husband of the applicant retired from his service while working as Postman at Raidighi Sub-Post Office under Baruipur Division, South 24 Parganas and the Pension Payment Order was issued in his favour on 18.07.2003. It is submitted by Mr. Halder, Id. counsel for the applicant that the first wife of the husband of the applicant died on 18.04.2004 and thereafter the employee married the applicant as per Muslim Law on 01.03.2005 and duly intimated the said fact to the department. It is further submitted by Mr. Halder that the husband of the applicant died on 06.03.2011 and thereafter the applicant applied for family pension and the pension sanctioning authority i.e. the Superintendent of Post Offices South Presidency Division, Baruipur already sanctioned the pension in her favour and forwarded the same to the concerned department for settlement of the matter vide letter dated 20.05.2016(Annexure A/7), but no family pension has been paid to the applicant till date.

4. Mr. Halder, Id. counsel submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.6 i.e. the Senior Accounts Officer(Pension-I Section) Office of the G.M., (PA &F), Yogayog Bhavan, P-36, C.R. Avenue, Kolkata to act in accordance with the communication dated 20.05.2016(Annexure A/7) sent by the Respondent No.5 i.e. the Superintendent of Post Offices, South Presidency Division, Baruipur within a specific time frame.

5. Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties, if the above prayer of the Id. counsel for the applicant is allowed.



6. Accordingly the Respondent No.6 i.e. the Senior Accounts Officer(Pension-I Section) Office of the G.M., (PA &F), Yogayog Bhavan, P-36, C.R. Avenue, Kolkata is directed to consider the case of the applicant for payment of family pension as per the communication dated 20.05.2016(Annexure A/7) within a period of six weeks from the date of receipt of this order and grant family pension to the applicant within a further period of six weeks, if she is otherwise entitled to the same as per rules.

7. It is made clear that I have not gone into the merits of this case and all the points are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

8. With the aforesaid observations and directions, the O.A. is disposed of.

9. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book be transmitted to Respondent No.5 and 6 by the Registry through speed post for which Id. counsel for the applicant shall deposit the cost within a week. A free copy of this order may also be given to the Id. counsel for the respondents.

(A. K. Patnaik)
Judicial Member