

LIBRARY

O.A.350/206/2019

MA.350/122/2019

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

234/4, A.J.C. Bose Road, 2nd M.S.O. Building, Nizam Palace

Complex, Kolkata-700 020.

Original Application No. 206 of 2019

M.A.No. 122/2019

In the matter of:

An application under Section 19 of

the Administrative Tribunal Act,

1985;

And

In the matter of:

1. Kakali Bhowmick (Sen), wife of
Raju Bhowmick, aged about 30
years, Vill. South Srirampur, P.O.
Srirampur, P.S. Nadanghat, District –
Barddhaman, Pin – 741316.

2. Sonali Ghosh (Sen), wife of
Amitava Ghosh, aged about 26 years,
Vill. Kamrabad Red Park, P.O.
Sonarpur, P.S. Sonarpur, District –
24 Parganas (South), Pin – 700 150.

... Applicants

Versus



1. UNION OF INDIA,
through the Principal Secretary,
Minister of Culture, Room No. 501, G
Wing, Shastri Bhawan, New Delhi-
110015.

2. The Head of Office, National
Library, Belvedere Road, Alipore,
Kolkata - 700 027.

3. THE Director General of
National Library, Belvedere Road,
Alipore, Kolkata - 700 027.

4. The Superintendent of National
Library, Belvedere Road, Alipore,
Kolkata - 700 027.

5. The Drawing and Disbursing
Officer, Belvedere Road, Alipore,
Kolkata - 700 027

6. The Assistant Library,
Belvedere Road, Alipore, Kolkata -
700 027.

... Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/206/ 2019
M.A.350/122/2019

Date of order : 04.04.2019

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member**

KAKALI BHOWMICK (SEN) & ANR.
VS.
UNION OF INDIA & ORS.
(National Library)

For the applicant : Mr. B. Chatterjee, counsel
For the respondents : Mr. K. Prasad, counsel

ORDER

Bidisha Banerjee, Judicial Member

Ld. counsels were heard and materials on record were perused.

2. This application has been filed to seek the following reliefs:-

- "a) A direction upon the authorities to forthwith consider the objection letter dated 24.12.2018 being appended as letter "C" in the present application and disburse the 1/3 share each to the applicants of the admissible amount in regard to DCRG, CGEGIS, GPF etc. of deceased Swapan Kumar Sen;
- "b) A direction do issue upon the respondent authorities not to process the claim of the respondent No.7 if being submitted by the respondent for payment of DCRG, CGEGIS, GPF etc. of deceased Swapan Kumar Sen;
- "c) And/or to pass such other or further Order or Orders as to Your Lordships may deem fit and proper."

3. The order impugned in the present O.A. reads as under:-

"No.ADM/Accounts/Misc./10/8070
Government of India
National Library
Belvedere
Kolkata - 27, the 03 Jan, 2019

Subject : An objection petition in respect Late Swapan Sen(Swapan Kumar Sen) of his claim of any legal demands along his PF & Gratuity and with other benefits-regarding .

Madam,

With reference to the letter dated 24.12.2018, on the subject cited above, I would like to inform you that according to records of Service Book, Swapan Kr. Sen, Library Clerk, National Library, Kolkata has made nomination in favour of Sm. Manju Sen(wife)(as original nominee) for DCRG CGEGIS and GPF and Km. Kakoli Sen and Km. Sonali Sen (Daughters) as alternative nominees for DCRG, CGEGIS and GPF.

Further, it is informed that as per the rules, the Office will take necessary arrangement to pay the admissible amount of DCRG, CGEGIS and GPF etc. of Swapan Kumar Sen to the Original nominee after receiving application from the claimant.

Yours faithfully,

(A.M. Sing Sardar)
ALIO & DDO"

4. Admittedly the applicants are married daughters of Late Swapan Kumar Sen who died in harness on 14.12.2018 while working as Librarian Clerk in the National Library. The said employee since deceased, got married for second time with Respondent No.7 after obtaining a decree of divorce in regard to the first marriage. The applicants are aggrieved as being married daughters of the deceased they are entitled to shares in the death benefits which the respondents proposed to pay in full to the 2nd wife in view of the nomination executed by the employee/deceased wherein 2nd wife Mrs. Manju Sen stands as original nominee and the present applicants as alternative nominees for receipt of DCRG, CGEGIS and GPF.

5. Rules regarding disbursement of gratuity is explicit as to persons to whom gratuity is payable. It entitles the following to receive gratuity:-

"51. Persons to whom gratuity is payable

(1)	(a)	The gratuity payable under Rule 50 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under Rule 53;
	(b)	If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below -
	(i)	if there are one or more surviving members of the family

		as in [clauses (i), (ii), (iii), (iv) and (v)] of sub-rule (6) of Rule 50, to all such members in equal shares;
	(ii)	if there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in clauses [(vi), (vii), (viii), (ix), (x) and (xi)] of sub-rule (6) of Rule 50, to all such members in equal shares.

6. In view of the undisputed and irrefutable fact that the applicant nominated his 2nd wife to receive the gratuity as original nominee (in exclusion of his daughters) and the daughters as alternative nominees, there cannot be any impediment in the way of the 2nd wife being disbursed the gratuity amount and other dues as per nominations. If the daughters feel that they have been illegally deprived of their shares in the settlement dues of their father, they shall approach the appropriate forum to seek benefits. Therefore, prayer of the applicant for interim order upon the respondents to restrain processing the claim of Respondent No.7 is not maintainable. The O.A. is disposed of with a direction upon the respondents to act in accordance with law within a reasonable period.

No costs.


(Dr. Nandita Chatterjee)
 Administrative Member

(Bidisha Banerjee)
 Judicial Member

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