

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

No. O.A. 350/01274/2017

Date of order: 11.2.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Anima Das,  
 Wife of A.C. Das,  
 Aged about 48 years,  
 Residing at C/o Abhijit Ganguly,  
 Budbud Ammunition Road,  
 Ram Krishna Palley,  
 Post Office - Budbud,  
 District - Burdwan,  
 Pin - 713 403.

Applicant

## VERSUS

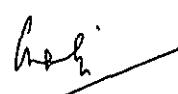
1. Union of India,  
 Through the Secretary,  
 Ministry of Defence,  
 South Block,  
 New Delhi 1.

2. The Commandant,  
 31 FD, Ammunition Depot,  
 Panagrah,  
 West Bengal,  
 Pin - 701320.

.. Respondents

For the Applicant : Mr. A. Chakraborty, Counsel  
Ms. P. Mondal, Counsel

For the Respondents : Ms. P. Goswami, Counsel



ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal in the instant Original Application praying for the following relief:-

"(a) Declaration that the applicants are deemed to have been appointed from the date of vacancy arose and they shall be included in the CCS (Pension) Rules, 1972.  
(b) An order do issue directing the respondents to include the name of the husband of the applicant in the CCS (Pension) Rules, 1972 and respondents may be directed to collect necessary subscription under provident fund rules and the Contributions collected from the applicants under new pension scheme shall be credited to the provident fund account and thereafter grant family pension."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage.

3. The applicant's submissions, as advanced through her Ld. Counsel, is that the applicant's spouse was selected for appointment in a Gr. 'C' post in response to notification issued by the respondent authorities dated 30.6.2003 but the appointment letter was issued only on 7.1.2004 and hence the spouse of the applicant was placed under New Pension Scheme. The applicant, relying on a decision of the Central Administrative Tribunal, Ernakulam Bench in O.A. No. 180/00020/2015 has approached the Tribunal for being considered under the CCS (Pension) Rules, 1972.

4. Ld. Counsel for the respondents submits that a representation dated 6<sup>th</sup> July, 2017 is under consideration of the respondent authorities.

Both Ld. Counsel agree that the matter may be disposed of with a direction on the respondent authorities to consider the representation of the applicant in accordance with law within a specific time frame.

5. Accordingly, with the consent of the parties and, without entering into the merits of the matter, we direct the respondent No. (ii), namely, the Commandant, 31, FD, Ammunition Depot, Panagarh, West Bengal, to examine the contents of the representation of the applicant dated 6<sup>th</sup> July, 2017 (Annexure A-7 to the O.A.) in accordance with law and within a period of six weeks from the date of

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receipt of a copy of this order. Once a decision is arrived at, the same should be communicated forthwith to the applicant.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

SP