

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/566/2017

Date of Reserve:21.06.2019
Date of Order:09.09.2019

CORAM:
HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER(J)

Miss. Kalpita Das, aged about 56 years, Unmarried daughter of late Debendra Kumar Das & Late Pravat Nanili Das, At-Kesharpur (Christian Sahi), PO-Buxibazar, PS-Daraghabazar, Dist-Cuttack.

...Applicant
By the Advocate(s)-

-VERSUS-

Union of India represented through:

1. The Secretary, Department of Telecommunication Broadcasting, New Delhi.
2. Communication Accounts Officer, Office of the C.C.A., O.T.C., 4th Floor, CMPG Building, Bhubaneswar-1.
3. General Manager, Telecom District, Door Sanchar Bhawan (BSNL), Link Road, Cuttack-753 012.
4. Sub-Divisional Officer-Phones-VI, BSNL, Cantonment Road, C.T.O. Compound, Cuttack-1.
5. Senior Post Master, Superintendent of Post Offices, G.P.O., Buxibazar, Cuttack-1.

...Respondents
By the Advocate(s)-Mr.D.K.Mallick(Res.No.1 & 2)
Mr.L.Jena (Res.No.3 & 4)

ORDER

PER SWARUP KUMAR MISHRA, MEMBERA(J):

Applicant is the unmarried daughter of late Debendra Kumar Das, who was working as Jamadar under the Respondent-Organization. After the death of her father, applicant's mother was in receipt of family pension. The present claim in this O.A. is regarding family pension to unmarried daughter after the death of her mother. In this Original Application, the applicant has therefore, prayed for the following reliefs:

- i) To admit the O.A.

ii) To direct the respondents more specifically to OP No.4 and 5 to take appropriate steps for sanction and release of family pension both arrear and current in response to the sanction order dated 4.9.2015 issued by the OP No.3 read with other clarificatory letter of the respondents in a time frame as fixed by this Hon'ble Court.

2. It reveals from the record that vide communication dated 4th September, 2015, Office of GMTD, BSNL, Cuttack addressed a letter to the S.DO-I, C.T.O. Compound, Cuttack to effect a field inquiry and submit report. In the said letter, the applicant was also required to submit the following documents to be signed by the applicant and duly attested by the concerned Councillor and countersigned by the Mayor of the Municipality for the purpose of sanction of family pension in favour of the applicant.

- i) Unmarried Certificate/Undertaking signed by Ms.Kalpita Das.
- ii) A certificate regarding her unemployment signed by Ms.Kalpita Das.
- iii) A declaration by her regarding only eligible surviving family member for getting the family pension.

3. Grievance of the applicant is that despite aforesaid instructions, no field enquiry has been conducted and as such, she has been deprived of the family pension to which she is entitled to.

4. Respondent Nos. 1 and 2 and Respondent Nos. 3 & 4 have filed counter separately. In the counter filed by Respondent Nos. 3 & 4, it has been submitted that vide communication dated 29.11.2017, the applicant was asked to submit application in the

prescribed form (Form No.14) along with the certificates/undertakings with respect to her education, income, marriage, unemployment, declaration on other eligible surviving member for getting family pension. Since the requirement documents were not submitted, the applicant was issued with a reminder letter dated 09.02.2018 with a request to submit the desired documents for early settlement of family pension. Respondent Nos. 3 & 4 have pointed out that the applicant has not yet submitted those documents and once the documents are received, Respondent No.3 will consider the same and take decision in the matter for further recommendation to the CCA, Odisha Circle for final settlement of family pension.

5. In the counter filed by Respondent Nos. 1 and 2, it has been pointed out that in pursuance of letter dated 17.07.2012 sent by the Senior Post Master-cum-GPO to the Senior Accounts Officer to sanction family pension, the Senior Accounts Officer sent a letter to the Controller of Communication Accounts on 31.08.2012 conveying his decision to sanction family pension in favour of the applicant. Thereafter, as required, the Controller of Communication Accounts sent a letter dated 28.01.2013 (A/7 series) to the General Manager Telecom District, BSNL, Cuttack to further examine the case and to send recommendation in Form-21, if deemed fit, since the name of the applicant is not mentioned in the family particulars provided by her late father during his life time. But till date the General Manager Telecom District, BSNL has not submitted any reply for sanction of the family pension in favour of the applicant.

According to Respondent Nos. 1 & 2, until pension papers along with sanction from Respondents Nos. 3 & 4 are received, the family pension matter cannot be finalized.

6. Heard the learned counsels for the parties and perused the records. At the outset, it is to be noted that there is nothing on record to show that the applicant has furnished the required documents in pursuance of the communication dated 04.09.2015.

Vide order dated 07.08.2018, this Tribunal had passed the following orders:

"When the matter was taken up today, Mr.L.Jena, Ld. Counsel for the BSNL (R-3 & 4) submitted that on 24.07.2018 a letter was handed over to the applicant dated 21.07.2018 asking her to submit the necessary documents. Mr.S.K.Mandal, Ld. Counsel for the applicant admitted that such a letter has been received by the applicant on 24.07.2018 and she has written to the authorities that she had already submitted all the required documents. However, Mr.Mandal will prepare a statement of the documents asked for and the documents already submitted by the applicant and file it day after tomorrow. Applicant will also produce the proof of having filed all the documents previously.

List this matter on 10.08.2018".

7. It reveals from the record that the applicant has not complied with the above direction of this Tribunal. However, vide order dated 15.03.2019, this Tribunal further passed the following orders:

"There is controversy regarding non-submission of relevant documents, declaration and undertakings by the applicant in proper format. Therefore, to expedite the matter the applicant to appear in person along with the relevant documents for submission of the same to the concerned Department. Learned counsel for the applicant submits that he will guide and assist the applicant for submission of the documents and applications without any defect so that the same can be handed over to the competent authority in the Department in order to take

effective expeditious steps for sanction of family pension in favour of the applicant. Call on 29.3.2019".

8. On 29.03.2019, when the matter came up, learned counsel for the applicant was not present and therefore, to give one more opportunity, the matter was adjourned to 10.5.2019. Thereafter, the matter was listed on 17.06.2019. However, learned counsel for the applicant appears to have not whispered about the compliance of order dated 15.03.2019 and on 21.06.2019, the matter was reserved for orders.

9. At the cost of repetition, it is to be noted that there is nothing on record to show that the documents as sought for by the Respondents for the purpose of settlement of family pension have been submitted by the applicant. This apart, failure of the applicant to comply with the orders of this Tribunal dated 07.08.2018 and 15.03.2019 brings to the fore that the required documents are yet to be submitted by the applicant. Be that as it may, keeping in view the totality of the facts and circumstances of the case, this Tribunal directs the Respondents to take into consideration the required documents, if submitted by the applicant and pass appropriate orders within a period of 45 (forty five days) from the date of receipt of this order. Besides that in the peculiar facts and circumstances of the case, it is also directed that in case any relevant document has not been furnished by the applicant before the authorities, the concerned authorities shall intimate the applicant in writing regarding non-submission of any particular/specific document to enable her to submit the same

within a reasonable period and thereafter, the authorities shall pass appropriate orders within the time frame as stipulated above from the date of receipt of such document.

10. In the result, the O.A. is disposed of as above, with no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

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