

LIBRARY

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 479 of 2018

Date of order: 4.11.2019

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

Uday Narayan Dey,
Son of Late Rashmohan Dey,
Of Village - Nabasan,
P.O. and P.S. - Bagnan,
District - Howrah,
Pin - 711303.

Applicant

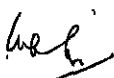
VERSUS -

1. Union of India
Service through the Secretary,
Department of Telecommunications,
Office of the General Manager,
Telecom Calcutta, SSA,
8, Red Cross Place,
Kolkata - 700 001.
2. Divisional Engineer Telecom (A),
For G.M. Telecom Calcutta Telecom,
Calcutta, SSA, 8, Red Cross Place,
Kolkata - 700 001.
3. The Manager,
Bagnan Telecom Exchange,
P.O. and P.S. Bagnan,
District Howrah, Pin - 711 303.

... Respondents

For the Applicant : Mr. Z. Haque, Counsel

For the Respondents : None



ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

(a) For an order/direction upon the respondents to release the death benefit and other pensionary benefit along with interest thereto till the disbursement in favour of the applicant and other legal heirs of Rashmohan Dey who died in harness on 19.7.1987 following the compromised petition and Decree which is being Annexure "P-4" and "P-5" to this application;

(b) For an order/direction upon the respondents to consider the representation dated 09.05.2016 and 30.10.2017 by the applicant within a stipulated period;

(c) And granting the applicant all other consequential reliefs in connection forthwith."

2. Heard Ld. Counsel for the applicant. None represents the respondents. Despite repeated directions of the Tribunal since 1.8.2018, no reply has been filed by the respondent authorities nor are the respondent authorities represented during call. Rule 16(1) of Central Administrative Tribunal (Procedure) Rules, 1987 is therefore, invoked.

3. The submission of Ld. Counsel for the applicant is as follows:-

That, the father of the applicant was an employee with the respondent authorities who died in harness. The step mother of the applicant obtained an exparte decree on succession certificate without impleading the applicant. Thereafter, the applicant and his step mother filed a compromise petition before the Ld. Civil Judge of the competent jurisdiction to obtain a decree thereupon.

The applicant requested the respondent authorities to disburse the death benefits of his late father in accordance with a compromise decree dated 21.4.2016. The respondent authorities, however, did not act on the same and aggrieved by their inaction, the applicant has approached the Tribunal.

Ld. Counsel would further aver that the representations of the applicant dated 9.5.2016 (Annexure A-7 to the O.A.) as well as reminder

haha

dated 30.10.2017. (Annexure A-8 to the O.A.) purportedly remain pending at the level of the respondent authorities.

4. As the respondent authorities have not furnished any reply to clarify as to why, despite the compromise decree, the disbursement of death benefits remains pending, this Tribunal would, therefore, direct the competent respondent authority to dispose of the said pending representations in accordance with law within a period of 6 weeks from the date of receipt of a copy of this order.

The decision arrived at should be conveyed forthwith to the applicant as well as to the co-signatories of the representation as at Annexure A-7 to the O.A.

Consequent benefits, if any, should thereafter be disbursed to the applicant and other co-signatories to the representation according to their entitlement, within a further period of 8 weeks.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP