

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2718 of 2016

=====

Sita Devi, Wife of Late Tapan Kumar Das, resident of Mohalla - Naya Tola, Ward No. 35, Katihar, P.S. Katihar, District - Katihar

.... Petitioner/s

Versus

1. The Union of India through the Chief Engineer Air Force, Eastern Zone, Shilog (Meghalaya)
2. The Commander Work Engineer, Air Force, Kalaikunda, West Maindapur, (West Bengali)
3. The AGE (I), Air Force, Chunapur Air Field, Purnea, (Bihar)
4. The AE (Civil), AGE (I) AF, Purnea
5. The Incharge, MES, Sirsas Military Camp, Katihar
6. Miss Prabha Das D/o Late Gorang Chandra Das Green Shop Para, Ward No. 15, P.S. and District - Katihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the Respondent/s : Mr. S.D Sanjay, Additional Solicitor General

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-07-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') on 23.04.2015 whereby contempt petition filed by the petitioner was dropped and notices were discharged.

The petitioner claims to be the wife of late Tapan Kumar Das and claims retiral benefits of late Tapan Kumar Das as his legally married wife.

On the other hand, the stand of the respondent is that there is no proof of marriage and in fact in the record, Tapan Kumar Das

has nominated his sister Miss. Prabha Das as nominee.

The Tribunal, in Original Application No. 500 of 2011, vide order dated 06.09.2012, has directed the respondent authorities to examine as to whether the nomination said to have been filed in 2004 by Tapan Kumar Das is anterior in date to the earlier nomination of 1999 of the private respondent is a valid one or not and then decide on the entitlement of the retiral dues of the deceased employee.

In pursuance of the said direction, the stand of the respondent is that Miss. Prabha Das was found to be nominee and they have disbursed the retiral benefits to her. Once an order has been passed in terms of the direction of the Tribunal, we do not find that any further proceeding or contempt can be maintained.

If aggrieved, the petitioner has a right to dispute the order passed by the authority in accordance with law before an appropriate forum, but no indulgence can be granted in the present writ petition. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	26.07.2016
Transmission Date	