

WP(C) No. 363 of 2016

Date of order: 28.06.2018

Bharat Sanchar Nigam Limited Vs. Smt. Maya Devi & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. V.K. Barooah, Adv.
For the Respondent(s) : Mr. S. Sen, Adv. (For R 1)
Mrs. S. Bhattacharjee, Adv. (For R 2)

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Oral:-

1. Petitioner, Bharat Sanshar Nigam Limited (BSNL) seeks quashment of the impugned order dated 04.05.1999.

2. The admitted position is that late Manik Das was the employee of the petitioner department, on his death, respondent No. 1 (widow) represented for compassionate appointment which was declined, as a result she filed OA No. 57 of 1999 before the Central Administrative Tribunal, Guwahati Bench, same has been disposed of vide impugned order dated 04.05.1999. The petitioner department had been directed to appoint the widow on compassionate ground on the basis of recommendation made in her favour. The said order was challenged by medium of WP(C) No. 3085 of 2000 before the Gauhati High Court and was transferred to the Shillong Bench. The record of the petition seems to have been misplaced. The petitioner department filed the instant fresh petition with a prayer to direct tracing of the case record of the said petition or in alternative to direct reconstruction of the record, or to set aside the order dated 04.05.1999 passed by the Central Administrative Tribunal and further to direct releasing of retiral benefits in favour of respondent No. 1 (widow) and respondent No. 2 (daughter).

3. By now, respondent No. 1 (widow), according to the learned counsel for the petitioner is stated to have expired, in support whereof, the petitioner has filed the

affidavit along with the death certificate. Learned counsel representing respondent No. 1 (widow) stated that there is no reason to disbelieve the same.

4. Learned counsel for respondent No. 2 submits that when dispute arose, same was amicably settled by the Committee formed by GMM/ETR/Dimapur. In terms of the settlement, the pensionary benefits along with arrears of family pension were to be paid to respondent No. 2 (daughter) for marriage whereas, respondent No. 1 (widow) was to take family pension with DR of the deceased. In the settlement, it is also recorded that since the case is sub judice, the parties will submit affidavit to the effect that they will withdraw the case pending in the High Court and will produce succession certificate within three months so as to enable settlement of the benefits.

5. The order impugned dated 04.05.1999 with the death of respondent No. 1 (widow) has now become irrelevant, therefore has to be ignored as nonest. The petition as such to the said effect is rendered infructuous. So far as the release of pensionary benefits and family pension is concerned, the petitioner department shall settle and release the same in accordance with Rules, within six weeks. Petition is accordingly disposed of.

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
28.06.2018
"Sylvana PS"