

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

06/03/2020

O.A./260/297/2017

M.A./260/159/2020

S MARTHA
-V/S-
M/O RAILWAYS

ITEM NO:24

FOR APPLICANTS(S) Adv. : Mr. S.B. Jena

FOR RESPONDENTS(S) Adv.: Mr. T. Rath(Rly.), Mr. R.K. Bisoi(R-4)

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>It is submitted by applicant's counsel that the applicant is the legally wedded wife of the deceased railway employee late Bhagirathi Martha who took voluntary retirement on the ground of invalidation in the year 2009. On 29.12.2011 Sri Martha expired. After death of applicant's husband, she applied for family pension before the Railway authority on 24.04.2012 followed by representation dated 25.08.2013 and reminder dated 21.02.2014, but no action was taken by the respondents. The applicant filed O.A. No.614/14, which was disposed of with a direction to Respondent No.2 to consider the case of the applicant. Thereafter, the Respondent No.2 passed the order dated 14.01.2015 (Annexure-A/7), rejecting the case of the applicant on the ground that name of Smt. Basanti Devi has been shown as wife of Late Shri Bhagirathi Martha and the settlement dues were paid to Shri Bhagirathi Martha as per rules.</p> <p>It is also seen that vide order dated 10.05.2017, this Tribunal had given direction</p>

that any settlement amount/family pension paid to Respondent No.4 shall be subject the outcome of this O.A. The applicant has also produced an order dated 11.07.2013 of Court of the Sub-Collector, Khordha Misc. Application No.4/12 (Certificate) vrs. Basanti Barik, in which the Tahasildar has been directed to issue legal heir certificate incorporating name of Satyabhama (applicant) and all the children in the certificate to the exclusion of Basanti. By virtue of the order at Annexure-A/5, the applicant claims to be the legally wedded wife who is entitled for family pension. It is further submitted by the applicant's counsel that a settlement has been reached between the applicant and the Respondent No.4 in presence of others and a deed of compromise between them has been signed, copy of which has been enclosed along with M.A. No.159/2020 which has been filed on 25.02.2020 by the applicant with a prayer to dispose of the O.A. by directing the authorities to disburse the retiral dues in favour of the applicant in terms of the compromise deed enclosed with the M.A.

Learned Counsel for the Respondent No.4 agreed with the above submissions and the compromise between the applicant and respondent No.4. As per the said compromise the arrear of late Bhagirathi Martha will be received by the applicant and it will be shared by the applicant with Respondent No.4 and their children equally. It is also agreed between them that the applicant will receive the family pension along with arrear of family pension and Rs.1,00,000/- will be paid by the applicant to Respondent No.4, which will be

deducted from the arrears payable to Respondent No.4 and her children as per the compromise deed.

In view of the submissions above and taking into account the compromise reached between the applicant and the respondent No.4, both the M.A. and O.A. are disposed of at this stage with liberty to the applicant to submit a fresh representation with a copy of this order along with copy of paper books, copy of the M.A. No.159/2020 along with the compromise deed to the Respondent No.2/competent authority within 15 days of receipt of this order along with other documents including the legal heir certificate if any issue by the competent authority in terms of the direction at Annexure-A/5 of the O.A. If such a representation along with the documents will be received by the respondent No.2/competent authority within the time as stipulated above, then he is directed to consider and dispose of the same in accordance with rules and to sanction the arrear dues of the deceased Govt. employee payable to the applicant and also to sanction the family pension in favour of the applicant from the date it is payable to the applicant along with arrear of family pension as well as current family pension in accordance with the rules applicable within a period of two months from the date of receipt of representation by passing an appropriate order copy of which is to be communicated to the applicant as well as to the Respondent No.4 within two months.

The O.A. is disposed of accordingly. No order as to cost.

(GOKUL CHANDRA PATI)
MEMBER (A)

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