

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**

LIBRARY

O.A./350/01685/2019

Dated: 21.01.2020

Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. N. Chatterjee, Administrative Member

Sukumari Das,
Daughter of Late Bistu Das,
Ex-Keyman, under SSE/PWE/BNG/E. RLY.
Panthalpara, Ranaghat,
Dist. : Nadia,
And residing at Vill. : Panthalpara (Uriapara),
Under P.S. & P.O. : Ranaghat,
Dist. : Nadia.

..... Applicant.

Versus

1. Union of India
Through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
2. The Chief Personnel Officer,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
3. The Divisional Railway Manager,
Eastern Railway;
Sealdah Division, Sealdah,
Kolkata – 700 014.
4. The Senior Divisional Personnel Officer,
Eastern Railway,
Sealdah Division, Sealdah,
Kolkata – 700 014.

..... Respondents.

For the applicant : Mr. N. Roy, Counsel

For the respondents : Mr. A. Ganguly, Counsel

O R D E R (Oral)

Per : Bidisha Banerjee, Judicial Member

In this O.A., the applicant, the divorced daughter of deceased employee Late Bistu Das, Ex keyman under SSE/PW/BNG of Sealdah Division, has prayed for the following reliefs:

"8.(a) To issue direction upon the respondent authorities to consider the representation, dated 11.11.2019 for family pension forthwith;

(b) To issue further direction upon the respondent authorities to consider the representation, dated 11.11.2019 for family pension of the Divorced Daughter of Late Bistu Das who was Ex. Employee/Sealdah Division/ E. Rly. forthwith;

(c) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case.

(d) To produce Connected Departmental Record at the time of Hearing."

2. She has preferred series of representation praying for family pension as divorced daughter of deceased employee. She has claimed that she had filed divorce suit in 2009, which was later on compromised, she was driven out of her matrimonial home in 2012, where after she once again preferred divorce suit in 2017, which was decreed on 11.1.19.

Her mother, the widow of deceased enjoyed pension until her death in 2.9.14.

3. The decree in MAT suit 390 of 2017 preferred u/s 13(1) of Hindu Marriage Act, 1955 records the following:

"lastly she was driven out from her matrimonial home after being assaulted by her husband in drunken condition on 16.11.2012, for which she lodged a complaint at Ranaghat P.S. received by the office vide GDE No. 767/2012 dated 16.11.2012, since then she is residing in her paternal home finding no other alternative. The respondent never provided any maintenance to the petitioner or took her information in the meantime. Earlier the petitioner filed MAT Suit No. 80/2009 which was dismissed for default on account of a settlement between the parties but ultimately it failed. The petitioner lastly filed this suit for divorce on 26.07.2017."

Although the divorce suit was filed in 2017, and the divorce was decreed in 2019, the recorded judicial order confirms that she was wholly dependant on her parents since 2012 i.e. before the death of her family pensioner mother.

4. Ld. Counsel Mr. N. Roy submits that he would be fairly satisfied if the representation is directed to be considered keeping in view the decree in MAT suit and in accordance with law, in a time bound manner.

5. Since an innocuous prayer is made, the O.A. is disposed of with a direction upon the competent authority to consider her grievance as highlighted in the representation, in accordance with law, keeping in view the recitals in the decree dated 11.1.19 (supra) as enumerated supra, and issue an appropriate order within 3 months. No costs.

(Dr. N. Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

drh