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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A. No.350/00604/2020.

Date of order : This the 9th day of September, 2020.

Hon'ble Mrs. Bidisha Banerjee, Judicial Member

Hon'ble -Dr.(Ms) Nandita Chatterjee, Administrative



Shri Bidyut Biswas,
Aged about 61 years,
Son of Late Purna Chandra Biswas,
Ordinarily residing at C/o, Eva Mallick Biswas,
20, Durganagar School Road, Rabindra Nagar,
P.S. Dumdum, Kolkata – 700065
And permanent address – Bakshi Pally,
P.O. & P.S. – Bongaon,
District – North 24 Parganas,
Pin – 743235
And retired as Ex-Chief Telephone Operator (CTO),
Fiarly Place, Eastern Railway, under Signal and
Telecom, Senior DSTE/Howrah, Pin – 711101.

..... Applicant.

By Advocate Ms A. Sarkar

-Versus-

1. Union of India
Through General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700001.
2. The Divisional Railway Manager,
Eastern Railway,
Howrah Division,
Howrah – 711101, West Bengal.
3. The Senior Divisional Personnel Officer,
Eastern Railway,
Howrah Division,
Howrah – 711101, West Bengal.
4. The Financial Advisor and Chief Accounts Officer/
The Pay and Accounts Officer,
Eastern Railway,
17, N.S. Road,
Kolkata – 700001.
5. Sri G.C. Das,

The Assistant Personnel Officer (G),
 Eastern Railway,
 Howrah Division,
 Howrah – 711101, West Bengal.

6. The Senior D.S.T.E./1,
 Otherwise Chairman,
 Railway Quarter Committee,
 Signal and Telecom Pool,
 Eastern Railway,
 Howrah Division,
 Howrah – 711101, West Bengal.

7. The Senior Section Engineer,
 Telephone Department,
 Fairley Place, Eastern Railway Head Quarter,
 Kolkata – 700001.

.....Respondents

By Advocate : Mr H. Ghosh.

Ms Bidisha Banerjee, Member(J)

The applicant in this O.A has sought for the following reliefs :

"8.a) An order/direction directing the respondents to cancel, rescind, withdraw or set aside the impugned rejection order dated 09.07.2020 as set out in Annexure A-5 to this application.

b) To pass an appropriate order directing upon the respondent authority to grant and pay the pension and necessary benefits forthwith along with @8% interest per annum.

c) To pass an appropriate order directing upon the respondent authority to allow the applicant to open Bank A/c in single name.

d) Any other order and/or further order or orders as the Hon'ble Tribunal may seem fit and proper."

2. The order impugned in this O.A dated 09.07.2020, as issued by APO(G), Eastern Railway, Howrah is extracted herein below for clarity.

"Eastern Railway

No. EO/TO/Retd./20

Dated the Howrah 9th July '2020

Sr Bidyut Biswas,
 Ex-CTO/F. P Exch.

Under SSE/Tech/GJ/F.P Exch.

Sub : Cancellation of Single S/B/ A/c from Nationalized Bank and advice for opening a joint account

Ref : 1) Your letter no. EO/TO/Retd./ 20 dated 02.07.2020
2) Appeal of Smt Rita Biswas dated 09.07.2020

It appears from the record that you have married Smt Rita Biswas vide marriage certificate Form No. 1635 issued by Marriage Officer, West Bengal dated 14.03.1984 & the record reveals that two daughters namely Miss Priyanka Biswas & Miss Puja Biswas are exist, but that same has been deliberately mis-leded before the Railway Administration and suppressed the fact to get the issue of letter of even dated 02.07.2020.

Moreover, the matrimonial suit case no. 1/2014 was filed before Judicial Magistrate, Howrah by Smt Rita Biswas is on the trial wherein it is seen that an order was passed by the Ld. Court, Howrah in favour of your wife Smt Rita Biswas proved the prime facie concealing of the fact of marriage vide your appeal dated 06.03.2020.

Under the circumstances, the letter issued dated 02.07.2020 in connection with opening of single S/B account form Nationalized Bank, may please be treated as cancelled without any prejudice and you are also hereby advised to submit a joint account along with your legal wife in accordance with Railway Pension Manual, 1993 to enable to withdraw settlement dues/pension suitably.

Sd/-
(G.C. Das)
Asst. Personnel Officer (G)
Eastern Railway
Howrah"

3. Ld. counsel for the applicant at the hearing would vociferously submit that the applicant has separated from his wife long back *estranged* and that his wife has preferred a matrimonial suit since under trial. She has neither agreed to click any photograph with her husband nor to open a joint account in a nationalised bank and therefore the applicant, a retired Railway employee who is entitled to his pension and release of his retirement dues, is being deprived of his legitimate money, which is a property under Article 300A of Constitution of India. Ld. counsel would pray for a direction upon the respondents for release of the unpaid dues as expeditiously as

possible without insisting for a joint photograph with his wife or opening of a joint account in a nationalised bank.

4. Ld. counsel for the respondents would express his helplessness in releasing his due amount without completion of his pension papers with joint photograph and opening of joint SB account in a nationalised bank.

5. Ld. counsel for the applicant at this juncture would draw our attention to the provisions made in Railway Services (commutation of Pension) Rules, 1993, which would say that "in case the Head of Office is satisfied that it is not possible for the retiring railway servant to open a joint account for reason beyond his control, this requirement may be relaxed." Ld. counsel would contend that requirement can be relaxed by the Head of Office.

6. In such view of the matter, we dispose of the present O.A with a direction upon the applicant to prefer a suitable representation before the Head of Office intimating his inability to open a joint account with his wife or to click a joint photograph for reason beyond his control, so that the requirement is relaxed by the Head of Office, within a period of four weeks from the date of receipt of a copy of this order. In the event such representation is preferred the same shall be duly considered and an appropriate order shall be issued either granting relaxation and releasing retirement benefits with arrears or rejecting the request with a speaking order detailing therein why such relaxation is not possible. Appropriate orders to



that effect shall be issued within 2 months from the date of receipt of a copy of this order.

This O.A is accordingly stands disposed of. No order is passed as to costs.



(DR NANDITA CHATTERJEE)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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