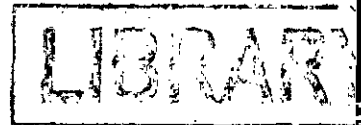


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**



OA/350/00173 of 2020

Date of Order: 14.09.2020



Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member

Smt. Bela Rani @ Bela Adhikari,
Aged about 70 years, widow of late Madan Adhikari
(since deceased); who died on 21.01.2004 before his
superannuation as a Group "D" employee under
Catering Department, South Eastern Railway,
Kharagpur,
Residing at Vill+PO+PS- Bon Radhanagar,
District : Bankura, Pin – 712204.

..... Applicant

Versus

1. The Union of India,
Service through the General Manager,
S.E. Railway, Gardenreach,
Kolkata – 700 043.
2. The General Manager,
S.E. Railway, Garden Reach,
Kolkata – 700 043.
3. Divisional Railway Manager,
S.E. Railway, Kharagpur,
District : Paschim Medinipur,
Pin : 721 301.
4. The Sr. Divisional Personal Officer,
S.E. Railway, Kharagpur,
District : Paschim Medinipur,
Pin : 721 301.

..... Respondents

For the Applicants : Mr. T.K.Biswas, Counsel

For the Respondents : Mr. K.Sarkar, Counsel

ORDER (Oral)**BIDISHA BANERJEE, MEMBER (J):**

Heard Ld. Counsel for both the parties and examined the documents on record.



2. The applicant is the widow of late Madan Adhikari, who passed away while serving against a Group "D" post under Catering Department, S.E.Railway, Kharagpur. She has preferred this O.A. to seek the following reliefs; inter alia.

"8.A) The respondents be directed to disburse the family pension and other retirement benefits of the applicant at par with that of other regular/permanent employees of the Railway and to pay and/or extend to the applicant all arrear pension including family pension and other retirement benefits of the deceased employee as on 21.01.2004 after demise of the husband as Ex-Commission Vendor/Bearer under Catering Department, S.E.Railway, Kharagpur, emoluments and/or benefits with immediate effect;

B) The respondents be further directed to extend to the applicant the pensioner benefits as mentioned in the said Letters of the Railway Board dated 18.05.1990 and 19.11.1990 as in Annexures A-1 and A-2 hereto, subsequently clarified by Railway Board's Circular dated 17.01.2006 as in annexure A-4 hereto which are being enjoyed by other regular/permanent employees with all arrears to the applicant by the Railway Administration with interest as on 28.02.2007 till date of actual payment is made;

C) Any other or further order or orders to which the applicant may be found entitled by this Learned Tribunal."

3. Brief facts of the case, as articulated by Ld. Counsel for the applicant are that, pursuant to the order passed by **Hon'ble Supreme Court in W.P.(C) No. 196/1995** although the applicant's husband was absorbed and his services were regularized but, after his sudden demise, neither his full/final retirement benefits nor the pensionary benefits/family pension have been sanctioned in favour of the applicant.

Ld. Counsel for the applicant would further submit that pursuant to Railway Board's Letters dated 18.05.1990 and 19.11.1990 and subsequent clarification, vide Circular dated 17.01.2006, other regular/permanent employees have already been extended the service benefits including retirement benefits.



Ld. Counsel for the applicant would seek benefit of the decisions of the Division Bench of the Hon'ble High Court in W.P.C.T.No. 28/2011 (Badal Das & Ors Vs. U.O.I.), which has been affirmed by the Hon'ble Supreme Court in its order dated 14.11.2017 in SLP (C) No. 25019/2013.

Ld. Counsel for the respondents would, on the other hand, submit that in compliance of this Tribunal's order in O.A. Nos. 809/2019 (G.P.Bej vs. UOI & Ors), 813/2019 (Aati Dutta Vs. UOI & Ors), 814/2019 (Sunil Dey Vs. UOI & Ors) and in 476/2019 (Puma Chowdhury Vs. UOI & Ors), a speaking order stands issued by the S.E.Railways reflecting that refixation involves a policy decision, and hence the matter has been referred to the Ministry of Finance and its views are awaited.

4. Ld. Counsel for the applicant, at that juncture, would submit that since applicant has represented before the authorities vide representation dated 30.10.2019 (Annexure-A/8), grievance of the applicant can be suitably redressed if Respondent No.3, i.e. Divisional Railway Manager, S.E.Railways, Kharagpur, is directed to consider the representation in the light of the decision of the Hon'ble Supreme Court and Railway Board Circulars, in a time bound manner.

Ld. Counsel for the respondents would not object to disposal of such representation in accordance with rules.

5. Accordingly, having heard Ld. Counsel for both the parties, without entering into the merits of the matter and with the consent of the parties, we

would direct respondent No.3 herein to decide on the aforesaid representation, in accordance with law, keeping in mind the order passed by Hon'ble Supreme Court (referred to supra), and pass a reasoned and speaking order under intimation to the applicant within a period of 12 weeks from the date of receipt of a copy of this order.



We make it clear that, in the event after such consideration the applicant is found entitled to the relief she has claimed, the same shall be extended to her within a further period of 8 weeks.

6. With the above observations and directions, the present O.A. stands disposed of. No costs.

(Tarun Shridhar)
Member (A)

(Bidisha Banerjee)
Member (J)

RK