

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00974/2020
M.A. 350/00549/2020

Date of order: 3.11.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Smt. Parul Das, wife of Late B. N. Das, by occupation -Widow, residing at Barkola, Kharagpur Local, Dist.: Paschim Medinipur, Pin - 721301.
2. Smt. Gita Rani Das, daughter of Late B. N. Das, by occupation-Divorced Daughter, residing at Barkola, Kharagpur Local, Dist.: Paschim Medinipur, Pin - 721301.
3. Smt. Namita Das unmarried daughter of Late B. N. Das, residing at Barkola, Kharagpur Local, Dist.: Paschim Medinipur, Pin - 721301.

--Applicants

- VERSUS -

1. Union of India through the General Manager, South Eastern Railway, 1, Garden Reach Road, Kolkata - 700043.
2. The Divisional Railway Manager, South Eastern Railway Kharagpur Division, Kharagpur, Dist: Paschim Medinipur
3. The Senior Divisional Personnel Officer, South Eastern Railway Kharagpur Division, Kharagpur, Dist: Paschim Medinipur.
4. The Senior Divisional Personnel Officer, South Eastern Railway Kharagpur Division, Kharagpur, Dist: Paschim Medinipur.
5. The Workshop Personnel officer, Kharagpur Workshop, Kharagpur Division, Kharagpur, Dist: Paschim Medinipur.

--Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Ms. S. Choudhury, Counsel

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ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "a) To issue direction upon the respondent authorities to consider the representation, dated 17.08.19 for issuing PPO of dependent family members and for inclusion of their names i.e Applicant No. 2 and Applicant No. 3 forthwith.
- b) To issue further direction upon the respondent authorities to consider PPO where names of the Applicant No. 2 and 3 is urgent and may be included in PPO Book forthwith.
- c) Any other order or further order or orders as your Lordships may seem fit and proper under the circumstances of the case.
- d) To produce Connected Departmental Record at the time of hearing of the Case.
- e) Leave may be granted to file this joint application under Section 4(5)(a) of the CAT Procedure Rule, 1987."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. An M.A. bearing No. 350/00549/2020 has been preferred by the applicants, namely, widow, divorced daughter and unmarried daughter of the ex-employee praying for joint prosecution of this O.A. As the applicants share a common grievance, common cause of action and common interest, their prayer for joint prosecution is allowed and the M.A. is disposed of subject to payment of individual court fees.

4. Ld. Counsel for the applicant would submit that Bholanath Das, an ex-employee of the respondent authorities, had expired on 20.10.2010 consequent to which his widow, who is the applicant No. 1 is in receipt of family pension. Applicant No. 2 is the divorcee daughter of the ex-employee and their divorce had been settled in the year 1989. Applicant No. 3 is the unmarried daughter of the ex-employee. Despite the fact that the widow has been praying for issue of a revised PPO after including the

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said divorcee daughter, namely, applicant No. 2 and the unmarried daughter, applicant No. 3 in the pension payment order, the respondent authorities have failed to consider her representations till date. Hence, being aggrieved, the applicants have approached this Tribunal praying for the aforementioned relief.

Ld. Counsel for the applicant would submit that representations at Annexure A-5 and A-6 to the O.A. are pending since August, 2019 but to no effect, and, would accordingly, seek a direction to the respondent authorities to decide on the same in a time bound manner.

5. Given the admitted fact that the representations are pending for consideration of the respondents, it would not serve any useful purpose to keep this matter pending for adjudication. Therefore, without entering into the merits of the matter, I hereby direct the competent respondent authority to examine the contents of the representations as noted above in accordance with law and to decide within a period of 12 weeks from the date of receipt of a copy of this order.

The said respondent authority shall convey his decision to the applicants in the form of a reasoned and speaking order.

6. With these directions, the O.A. is disposed of. No costs.

M.A. is also disposed of as per orders in para 3 above subject to payment of individual court fees.

(Dr. Nandita Chatterjee)
Administrative Member

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