

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/01038/2020

Date of order: 20.11.2020

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

Rina Chatterjee,
Aged about 45 years,
Divorced daughter of Late Sarat Mukherjee,
who retired under superannuation while
working as Coach Attendant under the
overall control of DRM Howrah,
By Profession - Unemployed,
At present residing at Ukhra Panchkalitola,
Burdwan West,
Pin - 713363.

--Applicant

-vs-

1. Union of India through the
General Manager,
Eastern Railway,
Fairlie Place,
Kolkata - 700001.
2. Divisional Railway Manager,
Eastern Railway,
Howrah - 711101.
3. Sr. Divisional Personnel Officer,
Eastern Railway,
Howrah - 711101.

--Respondents

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

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ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for grant of family pension w.e.f. 19.12.2017.

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

3. Ld. Counsel for the applicant would submit that the applicant is the divorcee daughter of an ex-employee of the respondent authorities. After demise of the ex-employee, family pension was sanctioned to the widow, who had continued to draw the same till her expiry on 18.12.2017.

The applicant was residing at her parents' home since 1988 as she had been driven out from her matrimonial home and finally divorced in terms of an order dated 16.7.2018. The applicant, being the divorcee daughter, had represented on 24.12.2018 praying for family pension but as the said representation remains unattended, she has approached this Tribunal praying for the aforementioned relief.

4. Ld. Counsel for the respondents would insist on furnishing a short reply to this O.A. As per Section 20 of the Administrative Tribunals Act, 1985, however, the applicant should be permitted to avail of all the remedies as available under relevant service rules as to redressal of his/her grievances, and, hence, her representation would deserve an examination at the outset.

5. Accordingly, without entering into the merits of the matter, the concerned respondent authority is directed to consider the representation of the applicant at Annexure A-5 to the O.A., if received at his end, within a period of 16 weeks from the date of receipt of a copy of

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this order. The said authority shall decide in accordance with law and convey his decision in the form of a reasoned and speaking order to the applicant.

In case a favourable decision is arrived at, consequent benefits may be finalized within 10 weeks thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member



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