

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**



O.A.No. 350/181/2017

Date of Order: 13.01.2021



Coram: Hon'ble Mr. Tarun Shridhar, Administrative Member

1. Ms. Jharna Paul (alias Saraswati),
Daughter of Late Bimal Chandra Paul.
2. Sri Bikash Chandra Paul,
Son of Late Bimal Chandra Paul,
Retired as Station Superintendent,
NF Railway, Alipurduar Junction,
Dist. Alipurduar.

Both residing at PO-Bholardabri, Ashutosh Sarani,
Dist- Alipurduar, West Bengal, PIN: 736123.

..... Applicants.

- V E R S U S -

1. Union of India
Service through the General Manager,
N.F. Railway, Maligaon,
Guwahati, PIN – 781011.
2. Financial Adviser & Chief Accounts Officer (Pension)
N.F. Railway, Maligaon,
Guwahati, PIN – 781011.
3. Divisional Railway Manager/
Additional Divisional Railway Manager,
PO- Alipurduar Junction,
N.F.Railway, Dist. Alipurduar,
PIN- 736123.
4. Divisional Railway Manager (Personnel),
N.F.Railway, Alipurduar Junction,
PIN- 736123.
5. Senior Divisional Finance Manager,
N.F.Railway, Alipurduar Junction,
PIN- 736123.

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6. District Magistrate/Additional District Magistrate,
Alipurduar, West Bengal.
.....Respondents.

For the Applicants : Mr. B.R.Das, Counsel

For the Respondents : Ms. S.Choudhury, Counsel

O R D E R (Oral)

Tarun Shridhar, Administrative Member:

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

2. Brief facts of the case, as revealed from the records, are that the father of the present applicants, Late Bimal Chandra Paul, was an employee of the North Frontier Railways. He retired from service on 21.02.1969 and died on 01.08.1976. Subsequent to his death, his widow, Smt. Sudharani Paul, was granted family pension. However, the widow of the deceased employee also died in September, 2006.

The deceased employee, Late Bimal Chandra Paul, had 9 legal heirs including his widow. The present applicant, Ms. Jharna Paul, is one of the 8 wards of the deceased employee. In this O.A. she claims life time family pension of her father on the ground that she is the eldest unmarried daughter of the deceased. However, her claim has not been accepted by the authorities because her brother Bikash Chandra Paul, who was a Station Superintendent in the North Frontier Railways, at the time of his retirement, in his family declaration mentioned the name of Smt. Sunity Paul as his widow sister and Jharna Paul as his unmarried sister. So, the respondents have taken a view that being elder to the applicant, it

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is Smt. Sunity Paul, who would be the rightful claimant of family pension in accordance with rules governing the subject.

3. Ld. Counsel for the applicant has emphatically stated that Smt. Sunity Paul is elder to the present applicant, Ms. Jharana Paul, and is married and, in the line of succession; Ms. Jharana Paul is the eldest amongst unmarried daughters and, hence, she would be entitled to the family pension. He also draws attention to the fact that since the service report has got destroyed in the flood of 1993, the respondents ought to rely upon the documents produced by the applicant to substantiate her claim. He draws particular attention to the Electoral Photo Identity Card of Smt. Sunity Paul wherein she is shown to be the wife of one Mr. Sekhar Paul. An Income Certificate issued by the Circle Revenue Officer also refers to Smt. Sunity Paul as married, so do various other documents placed on record.

4. Ld. Counsel for the respondents admits that family pension would be due to the eligible dependent of the deceased employee. The only contention is as to who would be legally entitled to it? She rightfully states that the claim of the applicant has not been finalized squarely on account of the declaration made by the brother of the applicant at the time of his retirement from the Railways, which refers to Smt. Sunity Paul as his widow sister and since the rules of the Department unambiguously stipulates that it is the eldest dependent ward who should be entitled to get pension, the applicant forfeits her right. She informs that the respondents tried to conduct an inquiry to find the whereabouts of Smt. Sunity Paul but were unable to extract this information.

5. In this case, the matter could not be settled on account of one single

question whether Smt. Sunity Paul is married or not? If married, then the applicant would automatically become the rightful recipient of family pension. Considering the fact that a host of documents, including a certificate of Revenue Officer, Electoral Voter Identity Card etc., have been produced by Ld. Counsel for the applicant to show that Smt. Sunity Paul was married, it would be fair that respondents verify the veracity of these documents and decide upon the legitimate request of the applicant. This issue is being agitated for the last more than 3 years whereas it hinges upon the ascertainment of this one simple fact by a huge organization and it should not be a difficult task at all.

6. Accordingly, this O.A. is disposed of with a direction to the respondents, specifically to Respondent No.3, to take a decision in the matter within a period of three months from the date of receipt of this order in the light of the observations made above.

7. The O.A. is, accordingly, disposed of. No costs.

(Tarun Shridhar)
Member (A)

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