

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

LIBRARY

O.A/350/221/2021

Date of Order: 09.03.2021

Coram: Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Kiran Debi, w/o late Sri Hiralal Das, working as Fitter under Sr. Section Engineer PWAY Naihati, Eastern Railway, and residing at Railway Quarter No. 460/A, Radaballav Road, PO & P.S Naihati, Dist. 24 Pgs. (N), 743165.

--Applicant

-Vs-

1. Union of India, through the General Manager, E. Rly. Fairlie Place, 17, N.S. Road, Kolkata - 700001.
2. Divisional Railway Manager, Eastern Railway, Sealdah, Kolkata - 7000014.
3. Senior Divisional Personnel Officer, Eastern Railway, Sealdah, Kolkata - 7000014.
4. Sr. Divisional Finance Manager, Eastern Railway, Sealdah, Kolkata - 7000014.

--Respondents.

For The Applicant(s): Mr. N. Roy, counsel

For The Respondent(s): Mr. D. Nandi, counsel

ORDER (ORAL)

Per: Dr. (Ms) Nandita Chatterjee, Member (A):

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

- a) To issue direction upon the respondent to consider the representation for settlement dues family pension dated 25.09.2020 forthwith.
- b) To issue further direction upon the respondent to give settlement dues and other service benefit to the applicant where her husband was missing on 29.03.2006 and Junior Division Civil Judge at Barrackpore Court. has ordered the husband of the applicant is dead according to that the applicant is entitled of the settlement dues and other services benefit. So the applicant prayer for settlement dues forthwith.
- c) Any other order or further order or orders as Learned Tribunal deem fit and proper.
- e) To produce Connected Departmental Record at the time of Hearing."

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 husband of the applicant, who is an ex-employee of the respondents, went missing since 29.03.2006. Thereafter, a missing report was filed at the concerned police station.

That, on 20.03.2019, the ld. Court of Civil Judge Junior Division, Barrackpore, North 24 Parganas, issued an order (annexure A-9 to the O.A) in which the Ld. Court ordered as follows:



*"That the suit be and the same is decreed exparte.  
Plaintiff does get the decree of civil death of Hiralal Das son of late Mahabir Das.  
Hiralal Das is presumed to be dead on and from this date.  
Thus, the civil death of said Hiralal Das is hereby declared."*

The decree of civil death of her spouse, having been pronounced by the Ld. Civil Court, the applicant, thereafter, represented to the respondent authorities (annexure A-10 to the O.A) for settlement benefits on the basis of civil death decree pronounced by the Ld. Civil Court.

4. Ld. Counsel for the applicant would urge that as the family is in deep penury, the respondent authorities may be directed to release the settlement benefits expeditiously to the applicant.

5. Ld. Counsel for the respondents would not object to the disposal of the applicant's representation in accordance with law.


6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the addressee authority or any other competent respondent authority is hereby directed to examine the applicant's representation dated 07.08.2019 (annexure A-10 to the O.A), in accordance with law, within a period of 12 weeks from the date of receipt of

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a copy of this order and convey such decision in the form of a reasoned and speaking order to the applicant forthwith thereafter.

In the event the claim of the applicant is accepted by the respondents, settlement benefits should be released to the applicant within a further period of 10 weeks.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.

  
(Nandita Chatterjee)  
Member (A)



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