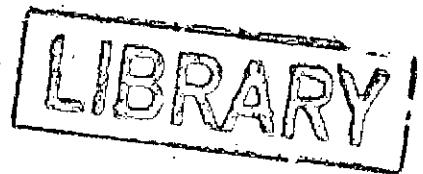


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00412/2016

Date of order: 25.2.2021

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

Smt. Sukumari Bindani,
Ex-Tech.Gr.-I,
T/No. 34 under
SSE/C & W/CP,
Eastern Railway,
Resident of Dharampur,
Majhipara, P.O.-Kanchrapara,
District : North 24 Parganas

.....Applicant

- V E R S U S -

1. The Union of India
Through the General Manager,
Eastern Railway,
17, Netaji Subhas Road,
Kolkata-700001.
2. Divisional Railway Manager,
Sealdah Division,
Eastern Railway,
DRM Building,
Sealdah,
Kolkata-700014.
3. Senior Divisional Personnel Officer,
Sealdah Division,
Eastern Railway,
DRM Building,
Sealdah,
Kolkata-700014.
4. Senior Divisional Mechanical Engineer (C & W),
Eastern Railway,
Sealdah,
Kolkata-700014.

.....Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. K. Sarkar, Standing Counsel

O R D E R (Oral)**Dr. Nandita Chatterjee, Administrative Member:**

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

- "(i) Payment of settlement dues and Family Pension in respect of deceased husband Mongla Bindani, Ex-Tech-I, T. No. 34.
- (ii) Cost."

2. Ld. Counsel for the applicant is heard. Despite issue of notice, none appears on behalf of the respondents. Mr. K. Sarkar, Ld. Standing Counsel submits that he will obtain his instructions.

3. The applicant, herein, would claim settlement benefits and family pension with respect to an ex-employee, the spouse of the applicant.

4. On perusal of records at Annexure R-1 to the reply it transpires that, the respondent authorities have issued the following speaking order with reference to the ex-employee:-

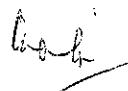
SPEAKING ORDER

I have gone through the complete case papers. I agree with the findings of E.O. It is clear that C.O. is guilty of unauthorized absence. C.O. is a habitual absentee which is clear from the record that he has remain unauthorisedly absent for a total period of 391 days in last 21/2 years. Hence punishment of

"Removal from service" with immediate effect is imposed on C.O.

Sr. D.M.E./SDAH"

Respondent authorities have admitted that the ex-employee was eligible for settlement dues admissible for removal of service on and from 7.7.2004, but not for family pension and settlement benefits, as prayed for, which would not be admissible as the removal has not been challenged either by the ex-employee or his legal heirs.



5. Ld. Counsel for the applicant, would, therefore seek liberty to file a comprehensive representation seeking the admissible benefits. This O.A. is therefore disposed of with liberty to the applicant to prefer such representation within a period of six weeks from the date of receipt of a copy of this order.

In the event such representation is received by the respondents, the respondent authority shall decide in accordance with law, arrange to grant the admissible benefits within a period of 12 weeks and to release the same within a further period of 10 weeks thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

SP