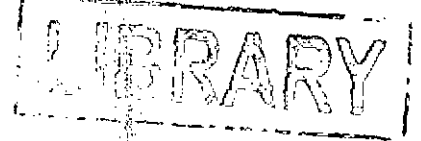


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/00580/2021

Date of Order: 17.08.2021

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



Smt. Gita Bhadra, wife of Late Nitai Bhadra
who died intestate leaving behind the
applicant being widow and only son before
his actual date of superannuation and
prematured retired railway employee
designated as Ex-Peon/ TMZ, under Ch.
CI/TMZ (Sr. DCM/KGP), SE Rly, Kharagpur,
presently residing at Quarter No. NBT-48,
Unit: A, New Traffic, P.O. — India. P.S.
Kharagpur, Dist. Paschim Medinipore —
721305;

.....Applicant

-Versus-

1. The Union of India, Service through the
Principal Secretary, Ministry of Railway,
Government of India, Rail Bhawan, New
Delhi;
2. The General Manager, S.E. Railway,
Gardenreach Kolkata — 700043.

3. Chief Personnel Officer, S.E. Rly. GRC, S.E. Railway, Gardenreach, Kolkata – 700043.

4. GRC FA & CAO (Settlement) S.E. Railway, Gardenreach, Kolkata – 700043.

5. Divisional Railway Manager, S.E. Railway, Kharagpur P.O & P.S. Kharagpur, Dist Paschim Medinipur, Pin – 721301.

.....Respondents

For The Applicant(s): Mr. T.K. Biswas, Counsel

For The Respondent(s): Ms. S. Choudhury, Standing Counsel



ORDER (ORAL)

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

Being aggrieved with non-fixation of family pension and retirement benefits in accordance with the directions of the Hon'ble Apex Court and consequent Railway Board circulars, the applicant would approach this Tribunal seeking the following relief:

"The respondents be directed to re-fixation of her husband's Scale of Pay at par with the 5th C.P.C, 6th C.P.C. and 7th C.P.C since from 1996 till the date of pre-mature superannuation due to sudden demise of your applicant's husband fi.c. 31/10/2018) while in service, with all notional and incidental with consequential benefits upon re-fixation of monthly pension at revised rate with arrears as aforesaid at par with that of other regular / permanent employees of the Railway under similarly situated like Badal Das & Ors. as aforesaid and to pay and/or extend to the applicant all arrear Service Gratuity, Leave Salary, GIS, Railway Health Scheme, Commutation Value of Pension (after re-fixation of pension) with other emoluments and/or benefits of two sets of Complimentary Pass with immediate effect;

B) Costs:

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C) Any other or further order or orders to which the applicant may be found entitled by this Learned Tribunal."

Heard Ld. Counsel for the applicant. Ms. S. Chowdhury, Standing Counsel, appears on behalf of the respondents.

Ld. Counsel for the applicant would submit that he would be filing his affidavit of service in course of the day and is directed to furnish a copy of the original application to the Ld. Standing Counsel for the respondents.

3. Heard both Ld. Counsel. Examined documents on record. This matter has been taken up for disposal at the admission stage.

4. Ld. Counsel for the applicant would submit that, from time to time, the incumbents were engaged as Commission Vendors/Commission Bearers with the South Eastern Railway. In Writ Petition (Civil) No. 196 of 1995 (South Eastern Railway Congress & Ors. Vs. Chairman Railway Board & Ors.), the Hon'ble Apex Court directed for parity in pay scale and other service benefits for the Commission Vendors/Bearers engaged by the Railways vis a vis regular employees of the Railways.

The applicant's spouse was, thereafter, absorbed in regular/permanent service in the Kharagpur Division. His prayers for parity of pay scale and other service benefits, however, did not merit the consideration of the respondent authorities. The applicant's spouse was promoted as TP/GK/VKD. (Optg.) and continued in the said post up to 24.05.2012 and, thereafter, due to medical conditions was posted as Station Peon upon decategorization until his expiry on 30.10.2018.

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The applicant, thereafter, made a demand for justice (Annexure A-9 to the O.A.), praying for re-fixation of family pension and other retirement benefits including service gratuity, commuted value of pension, GIS, Leave encashment as well as complimentary passes (claimed in view of the decision of the Hon'ble Apex Court as well as Railway Board circulars dated 18.05.1990, 19.11.1990 and RBE 169 of 2005). The applicant is aggrieved that such representations remain pending and would urge for an early decision on the matter.



5. As no records have been brought before this Tribunal to establish that such representation has been disposed of, without entering into the merits of the matter, the addressee respondent authorities or any other competent respondent authority are directed to decide on the said representation, at Annexure A-9 to the O.A., in accordance with law, within a period of seventeen(17) weeks from the receipt of a copy of this order, and, convey their decision to the applicant in the form of a reasoned and speaking order.

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

(Nandita Chatterjee)
Member (A)

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