

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00620/2021

Date of order: 22.7.2021

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

Ms. Khukijan Khatun,
Wife of Late Khos Mohammad,
(ex. Pointsman, N.F. Railway, Katihar Division,
Since deceased) aged about 61 years,
By Profession – Housewife,
Residing at Vill. Uttar Chirail, Mandalpara,
P.O. – Kaliyaganj,
Dist. – Uttar Dinajpur,
Pin – 733 129.

.... Applicant

- VERSUS -

1. Union of India,
Service through the General Manager,
N.F. Railway,
Maligaon,
Guwahati,
Assam,
Pin – 781011.
2. FA & CAO,
N.F. Railway,
Maligaon,
Guwahati,
Assam,
Pin – 781 011.
3. State Bank of India through
General Manager,
Network – I,
State Bank of India,
Samriddhi Bhawan,
8th Floor,
Kolkata – 700 001.
4. The Assistant General Manager,
Centralised Pension Processing Centre,
Samriddhi Bhawan,

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8th Floor,
Kolkata – 700 001.

5. The Chief Manager (CC & AC),
State Bank of India,
Regional Business,
Office Region – V Raiganj,
P.O. – Karnajora,
Pin – 733 130,
Dist. Uttar Dinajpur.

6. The Branch Manager,
State Bank of India,
Kaliyaganj Branch,
Marwai Patty,
Kaliyaganj,
Dist. Uttar Dinajpur – 733129.

... Respondents

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. P. Prasad, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved at deduction of monthly medical allowance and recovery thereof, the applicant, a family pensioner, has approached this Tribunal under Section 19 of the Administrative Tribunal Act, 1985, praying for the following relief:-

- (i) An order directing the respondents cancel, withdraw, rescind and set-aside the purported letter/order dated 24.12.2019, since issued without due application of mind;
- (ii) An order directing the respondents to dispose of several representations either by the self or through her Ld. Advocate to consider her due medical allowance month by month and stop deduction on instant basis

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with refund of the deduction amount at the earliest with due interest thereon;

- (iii) An order directing the respondents to stop deduction from the monthly family pension of the applicant herein and refund the entire amount of deducted amount of said Medical Allowance on instant basis;
- (iv) Any order directing the respondents to produce entire records of the case at the time of adjudication for conscionable justice;
- (v) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

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

3. Id. Counsel for the applicant would submit that the applicant, a widow of the ex-employee, had been sanctioned family pension by the authorities. The applicant had also opted for Fixed Medical Allowance on the basis of RBE Circular dated 7.6.2011 which states that Fixed Medical Allowance shall be granted to those Family pensioners who are residing beyond 2.5 kilometres from the nearest Railway Hospital/Health Unit, and, in the event they do not avail of OPD facilities at Railway Hospital/Health Units. Accordingly, the applicant was allowed Fixed Medical Allowance along with family pension at the current rate of Rs. 1000/- per month till November, 2019. Thereafter, however, such medical allowance has been discontinued, and, the applicant has been subjected to a recovery of Rs. 3510/- p.m. from her family pension since December, 2019 without any notice and in violation of the principles of natural justice. Hence, being aggrieved, the applicant has approached this Tribunal praying for the aforementioned relief.

4. From a perusal of records it transpires that the Office of Respondent No. 3 has intimated, in a response to an RTI query of the applicant, as follows:-

See

"Khukijan Khatun,
At- Chiral Para/Mondal Para,
P.O. – Kaliyaganj,
Dist. – Uttar Dinajpur,
Pin – 733 129,
Ph. – 7602162645

Dear Madam,

INFORMATION UNDER RTI ACT, 2005

APPLICANT : KHUKHIJAN KHATUN

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.....In your case, PPO No. KIR/PN/2299 issued with signature date 08.02.2016 is subsequent to 21.4.1999 without mention of payment of fixed medical allowance. Moreover, the new PPO Number 19817050200064 dated 24.1.2019 is not specific for payment of fixed medical allowance. The matter has been taken up with your Pension Sanctioning Authority (PSA) seeking necessary clarification in this regard, which would be acted upon on receipt of clarification from them....

Xxxx

Yours faithfully,

Sd/-

(Siddhartha Kumar Acharya)
Central Public Information Officer & Assistant General Manager (Premises & Estate)"

It appears, therefore, that the Office of Respondent No. 3 was awaiting further clarifications from the Pension Sanctioning Authority of the applicant. The applicant, however, has not preferred any representation to the Pension Sanctioning Authority, nor is any clarification from the Pension Sanctioning Authority on record.

5. Accordingly, Ld. Counsel for the applicant would very fairly submit that the applicant be given an opportunity to prefer a comprehensive representation to the Pension Sanctioning Authority seeking legal entitlement to the medical allowances.

6. Ld. Counsel for the respondents would not object to disposal of any such comprehensive representation in accordance with law.

7. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the applicant is hereby granted liberty to prefer

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such a comprehensive representation to the competent Pension Sanctioning Authority, (with a copy to the Office of Respondent No. 3), citing rules and judicial decisions in support, within a period of six weeks from the date of receipt of a copy of this order.

In the event such representation is received, the said Pension Sanctioning Authority, shall decide in accordance with law and extant applicable rules, within a period of 12 weeks therefrom.

Such decision should be conveyed in the form of a reasoned and speaking order to the applicant thereafter.

Till such time the representation is disposed of, the Office of Respondent No. 3 shall not recover any further amount on account of medical allowance from the family pension of the applicant.

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



(Dr. Nandita Chatterjee)
Administrative Member

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