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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No. O.A. 350/920/2020

Date of order: 24.12.2020

Present: HON'BLE SMT. MANJULA DAS, MEMBER (J)

Smt. Jayanti Dutta, Aged about 61 years,
Widow of Late Radhashyam Dutta (since
deceased), Who died on 20/11/2010 before
his official order of Permanent / regularization
of service as a Group "D" Railway Employee,
South Eastern Railway, Kharagpur, Residing at
Village - Sanjool, Post Office - Kharagpur,
Police Station - Kharagpur (T), District -
Midnapore (Paschim), Pin - 721 301.



...Applicant

...Versus-

1. Union of India Service through the
General Manager, S.E. Railway,
Garden Reach, Kolkata - 700 043.
2. The General Manager, S.E. Railway,
Garden Reach, Kolkata - 700 043.
3. The Divisional Railway Manager,
S.E. Railway, Kharagpur,
District - Paschim Medinipur
Pin - 721 301.

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4. The Sr. Divisional Personnel Officer,
S.E. Railway, Kharagpur,
District : Paschim Medinipur, Pin : 721 301.

...Respondents

For the Applicant : Sri T.K. Biswas
For the Respondents : Sri R.K. Sharma

ORDER (ORAL)

MANJULA DAS, MEMBER (J):-



Being aggrieved with the action of the respondent authorities for non-disbursement of family pension and other retirement benefits of the applicants husband (Ex-Commission Vendor/Bearer under Catering Department, SE Railway, Kharagpur), the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-

"8.(a) The respondents be directed to disburse the family pension and other retirement benefits of the applicant's husband including family pension at par

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with that of other regular/permanent employees of the Railway and to pay and/or extend to the applicant all arrear pension including family pension and other retirement benefits of the deceased employee as on 20.11.2010 after demise of the husband as Ex-Commission Vendor/Bearer under Catering Department, S.E. Rly, Kharagpur emoluments and/or benefits with immediate effect.

(b) The respondents be further directed to extend to the applicant the pensionary benefits as mentioned in the said Letters of the Railway Board dated 18.05.1990 and 19.11.1990 as in Annexure A-1 and A-2 hereto, subsequently clarified by Railway Board's Circular dated 17.01.2006 as in Annexure A-4 hereto which are being enjoyed by other regular/permanent employees with all arrears to the applicant by the Railway Administration with interest as on 28.02.2007 till date of actual payment is made;

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



2. Sri T.K. Biswas, learned counsel for the applicant and Sri R.K. Sarma, learned counsel for the respondents are present in the court.

3. This matter relates to request for disbursement of family pension and other retirement benefits of deceased husband of the applicant who worked

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under the Railway Administration for more than 35 years.. On query as to whether the applicant did make any representation before the appropriate authority before approaching this Tribunal, Sri T.K. Biswas, learned counsel appearing for the applicant fairly submitted that applicant did make her representation on 18.02.2020 before the respondent Nos. 2 & 4 by ventilating her grievances which has not yet been attended to by them i.e. respondent Nos. 2 & 4. According to the learned counsel, applicant is waiting for decision from the appropriate authority but for compelling circumstances, as the applicant is not getting any pensionary benefits, she has approached this Tribunal for redressal.

4. Keeping in view of the above, I deem it fit and proper to direct the respondent No. 2 & 4 to deal with the matter as soon as possible so as to enable the



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applicant to get the pensionary benefits of her deceased husband. Accordingly, without going into the merit of the case and without expressing any opinion, I direct the respondent Nos. 2 & 4 to consider the case/grievance of the applicant made in her representation dated 18.02.2020, which is pending with them and dispose of it by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.



5. It is made clear that whatever decision so arrived by the respondent Nos. 2 & 4 shall be communicated to the applicant forthwith.

6. I hope and trust that the respondent Nos. 2 & 4 shall consider the case of the applicant expeditiously by considering her grievances.

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7. With the above directions, O.A. stands, disposed of.

8. There shall be no order as to costs.

(MANJULA DAS)
MEMBER (J)



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