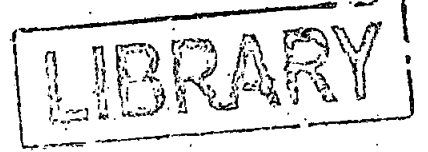


CENTRAL ADMINISTRATIVE TRIBUNAL KOLKATA BENCH, KOLKATA

(Through Audio/Video Conferencing)



O.A/350/1282/2021

Date of Order: 06.09.2021

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

Shri Rajab Rahaman, son of Late Habibur Rahaman alias Habib and late Asinur Bibi (Bewa), aged about 53 years, by profession – unemployed, being 100% handicapped residing at Airmory, Hazi Mahammadpur, Krishnapur, Dinurpara, District – Murshidabad, Pin 742148.

--Applicant

-vs-

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, Kolkata – 700001.
2. Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata – 700001.
3. FA & CAO, Eastern Railway, Eastern Railway, Fairlie Place, Kolkata – 700001.
4. Divisional Railway Manager, Eastern Railway, Farakka Division, Farakka – 742212.
5. Divisional Personnel Officer, Eastern Railway, Farakka Division, Farakka – 742212.

--Respondents

For The Applicant(s): Mr. P. C. Das, counsel
Ms. T. Maity, counsel

For The Respondent(s): Ms. S. Chakraborty, counsel

ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel Mr. P. C. Das leading Ms. T. Maity, ld. counsel for the applicant. We have also heard Ms. S. Chakraborty, ld. counsel appearing on behalf of the respondents.

Both ld. counsels are satisfied with the quality of audio/video during hearing.

2. The applicant, a 100% handicapped dependent son, has approached this Tribunal to seek the following reliefs:

"a) An order directing the respondents to grant/allow family pension in favour of the applicant being the only 100% handicapped dependent son of his parents without effecting any age bar;

b) An order directing the respondents to consider and dispose of the application dated 25.01.2021 pending disposal.

c) An order directing the respondents to place all the relevant paper/documents of the case before the Hon'ble Bench with copy of the Learned Advocate for applicant for conscionable justice;

d) Any other order/orders, further order/orders, as to this Hon'ble Tribunal seems fit and proper."



3. Brief facts of the case as narrated by Ld. counsel for the applicant are that, the father of the applicant was an employee of the respondent authorities. He superannuated from service on 30.11.96, and passed away after superannuation. After his death, his widow was in receipt of family pension as per Rule. She breathed her last on 01.01.2021 leaving behind her handicapped son, the applicant herein. After the death of his mother, the applicant, being a 100% handicapped dependent son, preferred representation to the respondent authorities seeking family pension. However, his prayer has fallen on deaf ears. Hence, being aggrieved, he has approached this Tribunal.

4. At hearing, ld. Counsel for the applicant would submit that he would be fairly satisfied if a direction is issued to the competent authority to consider his representation keeping in mind the disability certificate at Annexure A-3 (page 30) to the O.A, in a time bound manner.

5. Since an innocuous prayer has been made and the applicant has already preferred representation 25.01.2021 to the Respondent

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authorities, seeking identical relief which is yet to be disposed of, we feel that no fruitful purpose would be served in calling for a reply in this matter, unless the representation is decided by the competent authority. In such view of the matter, we dispose of the present OA with a direction upon the competent authority to consider the representation dated 25.01.2021 in the light of the disability certificate at Annexure A-3 to the O.A, decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 2 months from the date of receipt of copy of this order. In the event the applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.



6. For the purpose of his consideration, the applicant shall furnish a copy of his disability certificate to the addressee of the said representation, if not already furnished earlier, alongwith a copy of this order.

7. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration

8. The present OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)