

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1223/2017

Date of Order: 17.12.2020

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

Jharna Mondal,
Daughter of Late Ramani Kanta Das,
Aged about 58 years,
Occupation Unemployed, residing at Village Sijdia,
P.O. Ujir Pukuria, P.S. Gangnapur, District : Nadia,
Pin – 741 238.

..... Applicant.

-Versus-

1. Union of India,
Service through the General Manager,
Eastern Railway, 17, N.S. Road, Fairlie Place,
Kolkata – 700 001.
2. Chief Personnel Officer,
Eastern Railway, 17, N.S. Road, Fairlie Place,
Kolkata – 700 001.
3. Divisional Railway Manager,
Howrah Division, Eastern Railway,
DRM Building, Howrah – 711101.
4. Sr. Materials Manager (D),
Eastern Railway, Howrah Division,
Howrah – 711101.
5. Sr. Divisional Personnel Officer,
Eastern Railway, Howrah Division,
Howrah – 711101.
6. Divisional Personnel Officer,
Eastern Railway, Howrah Division,
Howrah – 711101.

..... Respondents.

For The Applicant(s): Mr. B. Chatterjee, counsel

For The Respondent(s): Ms. T. Das, counsel

[Signature]

ORDER (ORAL)

Per: Dr. Ms. Nandita Chatterjee, Member (A):

Aggrieved at non receipt of family pension, the applicant who is the widow daughter of the ex-employee, has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

"8.(a) An order to quash the order dated 12.03.2015 rejecting the claim of the applicant for family pension on the ground that she was not eligible to receive the Family Pension of Late Ramani Kanta Das, the ex-employee of the respondent authority.

(b) An order to issue a direction, directing the respondents authority to consider the claim of your applicant in respect of implementation of family pension in favour of the applicant within a very reasonable time.

(c) To direct the respondents to produce before this Hon'ble Tribunal the entire records relating to the instant case.

(d) Any other appropriate relief or reliefs as your Lordships may deem fit and proper."

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

3. The applicant is the widow daughter of the ex-employee of the respondent authorities. After the death of the ex-employee, his widow, who was drawing family pension also expired on 21.11.2013. Thereafter, the applicant submitted all requisite documents and represented variously to the respondent authorities for grant of family pension but her prayer, however, was rejected on 12.03.2015 (annexure A-7 to the O.A) by which the respondent authorities conveyed as follows:

[Signature]

"Eastern Railway"

No F/Stores/E/106

Howrah, Dt. 12.03.2015

Smt. Jharna Mandal,
 D/o Late Ramani Kanta Das,
 Vill. Sijdia, P.O. Ujirpukuria
 PS Gangnapur, Dist. Nadia,
 Pin - 741238

Madam,

Sub: Your application for family pension dated 09.04.2014.
 Ref: Your letter dated 17.02.2015.

After careful examination of your application it is found that you are not entitled to receive such family pension as per extant family pension rule because you have another sister elder to you who is also a widow and this elder sister's claim will come first if meeting all other criteria.

As per Para-2 of CPO's Sl. No. 85/2007 "Grant of family pension to unmarried/widowed/divorced daughters shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless, the next above her has become ineligible for grant of family pension".

Moreover, there is no provision in Railway Services (Pension) Rules, 1993 regarding one eligible family member forgoing his/her claim for family pension in favour of another family member (ref. Para (ii) of Dy. Director Finance (Estt.) III, RBs letter No F(E) III/2007/PN1/5 dtd. 23.07.14.

Sd/-
 Sr. Materials Manager (D)
 Eastern Railway Howrah"

The applicant, thereafter, preferred further representations culminating in her final representation dated 27.01.2016, and, ld. Counsel would urge that directions be issued on the respondent authorities to dispose of the same in a time bound manner. In the said representation, the applicant had also highlighted that her elder sister is drawing family pension from another Government authority and, hence, so being eligible to receive family pension from the respondents, the applicant had once again prayed for family pension.

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4. Ld. Counsel for the respondents would submit that she has no instructions on whether the respondents have decided on the representations at Annexure A-10 collectively.

5. Accordingly, without entering into the merits of the matter, I would hereby direct the addressee authority or any other competent respondent authority to decide on the representation of the applicant (Annexure A-10 collectively) in accordance with law, if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The said authority should convey his decision in the form of a reasoned and speaking order to the applicant.

In case of a favourable decision, consequent benefits may be released in favour of the applicant within a further period of 10 weeks thereafter.

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

(Nandita Chatterjee)
Member (A)

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