

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/01340/2018

Date of order: 22.04.2021

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

Rupa Chatterjee,
Wife of Late Sankar Chatterjee,
Residing at Village- Boraj,
Post Office & PS- Chandipur,
Dist-Purba Medinipur,
Pin-721659.

... Applicant.

Versus

1. Union of India,
Represented by the General Manager,
Eastern Railway, Office at Sealdah,
Kolkata- 700014.
2. The Divisional Finance Manager-I,
Eastern Railway, Sealdah Division,
Kolkata- 700014.
3. The Senior Divisional Finance Manager,
Eastern Railway, Sealdah,
Kolkata- 700014.
4. The Divisional Electrical Engineer,
TRS/Sealdah, Eastern Railway,
Sealdah,
Kolkata- 700014.
5. The Divisional Personnel Officer,
Eastern Railway,
Sealdah,
Kolkata- 700014.
6. The Assistant Personnel Officer/
C&S Office of the Senior Divisional Officer,
Eastern Railway,
Sealdah,
Kolkata- 700014.
7. The Assistant Personnel Officer/

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C&S Office of the
Senior Divisional Officer,
Eastern Railway, Sealdah,
Kolkata- 700014.

... Respondents

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

For the Respondents : Ms. T.P. Sinha, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicant, an aspirant for family pension, has approached this

Tribunal in second round litigation seeking the following relief:-

"a) A direction upon the respondent authorities concerned to rescind and/or cancel and/or withdraw the impugned final order dated 29.01.2018 communicated under Memo No. DAS/Court Case/30451 being Annexure "N" hereto.

b) A direction upon the respondent authority concerned to take all necessary and effective but immediate steps in favour of the case or claim of the instant applicant in accordance with law, of course, within a stipulated period;

c) Any other order or direction as it would deem fit and proper to Your Lordship."

2. Heard both Ld. Counsel, examined pleadings and documents on record.

3. Ld. Counsel for the applicant would submit that the spouse of the applicant was an ex-employee of the authorities, who had voluntarily retired on 3.3.2006 from the service of the respondent authorities. His first wife Ranu Chatterjee expired on 25.8.2013, leaving behind a daughter with special needs. The ex-employee married the applicant on 4.4.2016, about three years after the expiry of his first wife.

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The ex-employee, during his life time, had brought the fact of his second marriage to the notice of the authorities through his legal Counsel as per Annexure A-3 to the O.A. requesting for inclusion of the name of the applicant in his Service Book. Not having received any positive response from the authorities, the applicant approached this Tribunal in first stage litigation in O.A. No. 350/01179/2017 and the said O.A. was disposed of directing the respondents to consider the pending representation of the applicant.

In the meanwhile, the ex-employee also replied to a communication from Respondent No. 6, enclosing the death certificate of his first wife as per Annexure A-9 to the O.A. The ex-employee also obtained a certificate of the legal heirs of his deceased first wife as per Annexure A-11 to the O.A.

4. The respondent authorities, in compliance to the directions of this Tribunal, issued an order on 29.1.2018 (Annexure A-14 to the O.A.) in which, inter alia, the respondent authorities have stated as follows:-

"So, it is not detected whether Rupa Chatterjee had a marriage earlier to present marriage which is main criteria for inclusion the name of Rupa Chatterjee in PPO book.

To confirm the fact, matter is being referred to Civil Authority and on receipt of reply from Civil Authority, the matter will be processed for further course of action for inclusion of name of Rupa Chatterjee and sanction of family pension is equal share in between Soma Chatterjee, unmarried daughter out of 1st wife, if the report from Civil Authority permits extant Railway rules."

5. Both Ld. Counsel, however, would agree that this O.A. may be disposed of by directing the respondent No. 3, who had issued the speaking order at Annexure A-14 to the O.A. to take necessary action to



obtain the directions of the Civil Authorities, as referred to in the speaking order under reference.

6. Accordingly, the respondent No. 3 or any other competent respondent authority is directed to take necessary steps to obtain the final decision on the applicant's claim within a period of 4 months from the date of this order and to convey such decision to the applicant in the form of a reasoned order.

7. This O.A. is disposed of with the above directions. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

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