

35. 11. 04. 02.

Call on 17.04.02

Member (J)

36. Order dated 17.04.2002

Heard Shri D.P. Dhalasamant, the learned counsel for the Applicant and Shri B. Pal, learned senior counsel for the Respondents and perused the records.

Applicant's husband, it is alleged, ~~that~~ was confirmed as Gangman as against the permanent post vide order No.25 dated 15.10.1956 of North Eastern Railways. In fact, one Khali has been named at Sl. No.114 of the said order No.25 dated 15.10.1956, as given out under ^{Khali is the name of the husband of the Applicant.} Annexure-1. It is the case of the applicant that her husband, while working as Gangman somewhere in the North Eastern Railway, died prematurely sometime in 1974 (16.9.1974) and she was informed that her husband breathed his last due to heart attack, while under treatment in the North East Frontier Railway Hospital at Jalpaiguri. It is the case of the Respondents, as made out in the counter, that no materials are available at this distant point of time to show that the husband of the applicant was really engaged in North Eastern Railway or that he breathed his last while being treated at North East Frontier Railway Hospital at Jalpaiguri on 16.9.1974. A Hindu lady/widow would certainly not raise a false claim in the name of her husband.

The Respondents, therefore, notwithstanding the

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for admission.

Pabra
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Bench

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy of
the order dt. 17-4-02
given to the both
counsel.

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delay, as attributed by them, should cause an extensive enquiry and give necessary relief to the applicant; especially when it was disclosed in the Pleader's Notice dated 29.4.1977 vide (Annexure-2) that her husband had a Token No. (5K) and P I No. 72692 AR. Without causing an enquiry it will be ~~unsafe~~ unsafe and unjust to throw away the case of the applicant, who is now about 75 years old.

In the aforesaid premises, this O.A. is disposed of with direction to Respondents to cause an incisive/detailed enquiry by examining contemporaneous documents and persons to find out the truthfulness and give necessary relief to the applicant, to which she is entitled, under the Rules.

This exercise shall be completed within a period of three months from the date of receipt of copies of this order. However, if Respondents require more time, they are at liberty to move the Tribunal for extension of time.

With the observations and directions made above, the O.A. is disposed of. No costs.

Johar
17/04/2002
MEMBER (JUDICIAL)