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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 34 OF 1998
Cuttack this the 11th day of March, 1999

Smt. Ramarani Samal

Applicant(s)

-versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
11.3.99

11-3-99
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.34 OF 1998
Cuttack this the 11th day of March, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)
...

Smt.Ramarani Samal, 50 years
W/o. Late Sridhar Samal
Village:Gopinathpur (Hata Bazar)
P.O/P.S: JATANI, Dist: Khurda

...

Applicant

By the Advocates : M/s.M.M.Basu
D.Dey

-Versus-

1. Union of India represented by
General Manager, S.E.Railway,
Garden Reach, Calcutta
2. Divisional Railway Manager(Central)
South Eastern Railway,
PO/P.S: Jatani, Dist:Khurda

...

Respondents

By the Advocates : Mr.R.C.Rath,
Addl.Standing Counsel
(Railway)

...

ORDER

MR.G.NARASIMHAM, MEMBER(J): Applicant, widow of late Sridhar Samal, who had taken voluntary retirement from railway service on 11.2.1995 and died on 8.3.1995, files this application on 14.1.1998 claiming pension due to the deceased from the date of retirement till his death and his D.C.R.G. dues and also family pension.

Annexure-1 dated 11.2.1995 passed by the railway authorities at the time of voluntary retirement of the deceased railway servant reveals that he was appointed in railway service from 15.6.1969 and was confirmed on 30.6.1970. On 10.9.1996 under Annexure-3 the applicant moved the railway authorities for these payments.


2. Respondents in their counter do not dispute the factual aspect. Their stand is that the deceased was under sick leave for a period of 8 years 7 months and 11 days, i.e., from 20.2.1977 to 30.5.1989 and as per 2014 of Railway Establishment Code, without the concurrence of the President, no railway servant can be granted leave of any kind for a continuous period exceeding five years. For this reason pension and D.C.R.G. could not be sanctioned and the matter has been referred to Railway Board for necessary concurrence. After regularisation of the above period of leave, pension and D.C.R.G. will be settled. However, an amount of Rs.14,009/- towards Provident Fund, Rs.3569/- towards C.G.E.G.I.S. and Rs.20,304/- towards encashment of leave salary have since been drawn and disbursed to the applicant. Even one of the sons of the applicant has been given appointment

under compassionate ground. There is no objection for the sanction of family pension to the applicant, but the delay is on account of non-regularisation of the above period of absence.

3. It is not clear when Respondent 2 at Khurda Road processed the matter of regularising the period of absence to get concurrence of the President. We, however, presume that this has been processed soon after the retirement of the deceased in the year 1995. Already four years elapsed in the meantime. This delay, under the circumstance can by no means be not abnormal.

4. We, therefore, direct the respondents to pay pension of deceased and family pension due to the applicant and also gratuity of the deceased within a period of 90 days from to-day.

In the result the application is allowed, but there shall be no order as to costs.


(SOMNATH SOM)
VICE-CHAIRMAN 11.3.99

B.K.SAHOO

11-3-99
(G.NARASIMHAM)
MEMBER (JUDICIAL)