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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00229 of 2015
Cuttack, this the 6th day of May, 2015

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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Bani Roy,
Aged about 67 years,
Daughter of Late Amarananda Roy, Ex-Guard,
Chakradharpur Division of S.E.Railway (R.F.No. 8417),
Permanent resident of At- Dhuan Patria Lane,
PO- Chandinichowk, PS- Lalbag, Dist- Cuttack, Odisha.

.....Applicant

Advocate(s)... M/s. N.R. Routray, Smt. J. Pradhan, S.K. Mohanty, T.K. Choudhury.

VERSUS

Union of India represented through

1. The General Manager,
South Eastern Railway, Garden Reach,
Kolkata – 43, West Bengal.
2. Divisional Railway Manager/
South Eastern Railway, Chakradharpur Division,
At/PO- Chakradharpur, Dist-Singhbhum,
Jharkhand.
3. Sr. Divisional Personnel Officer/
South Eastern Railway, Chakradharpur Division,
At/PO- Chakradharpur, Dist-Singhbhum,
Jharkhand.
4. Sr. Divisional Accounts Officer/
South Eastern Railway, Chakradharpur Division,
At/PO- Chakradharpur, Dist-Singhbhum,
Jharkhand.
5. Financial Advisor & Chief Accounts Officer (Pension)/
South Eastern Railway, Garden Reach,
Kolkata – 43, West Bengal.

..... Respondents

Advocate(s)..... Mr. T. Rath

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for release of family pension in respect of the applicant, who is daughter of late deceased railway employee. Mr. Routray submitted that father of the applicant after his superannuation expired on 09.12.1975 and after the death of the father of the applicant her mother was granted exgratia family pension, who also expired on 27.12.1993 leaving behind two unmarried and one married daughters as legal heirs including the applicant. Mr. Routray by drawing my attention to the provision made in RBE No. 116/2007 submitted that as the unmarried daughters are eligible for family pension the applicant has made a detailed representation on 03.09.2012 to Respondent No.2 to take necessary steps to grant family pension in her favour as per RBE No. 116/2007 but though the said representation has been received on 14.09.2012 by the Respondent No.2 till date no action has been taken by the said Respondent.

3. Mr. T. Rath, Ld. Standing Counsel for the Railways, submitted that the provision under RBE No. 116/2007 is not applicable to the case of the applicant.

4. Taking into account the submission made by Ld. Counsel for both the sides, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representation dated 03.09.2012, if the same has been filed and is still pending consideration, keeping in mind the provision of RBE No. 116/2007 after examining the applicability of the same and pass a well reasoned order and communicate the

[Signature]

same to the applicant within a period of 60 days from the date of receipt of a copy of this order. However, the points raised by the applicant in her representation are kept open for the authorities to consider the same as per the law and rules in force. It is made clear that if after such consideration the applicant is found to be entitled to the relief claimed by her then expeditious steps be taken within a further period of 90 days from the date of such consideration to extend the same to her. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of at this admission stage. No costs.

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2, 3 and 4 by Speed Post for which he undertakes to file the postal requisites by 08.05.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

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