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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00104 of 2016
Cuttack, this the 29th day of February, 2016

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Smt. Annapurna Sethy,
aged about 79 years,
M/o Late Ranjan Kumar Sethy,
At- Dhuliswar, PO- Bentkar,
Cuttack Sadar, Cuttack.

...Applicant

(Advocates: M/s. S.K.Raychoudhury, K.B.Raychoudhury)

VERSUS

Union of India Represented through its

1. Secretary,
Indian Railways, 256-A,
Rail Bhawan, Raisina Road,
New Delhi-110001.
2. General Manager,
South Eastern Railway,
11- Garden Reach Road,
Kolkata-700043.
3. Sr. Divisional Personnel Officer,
South Eastern Railway, Chakradharapur,
West Singhbhum.
4. Personnel Inspector,
South Eastern Railway, Chakradharapur,
West Singhbhum.
5. Sr. DSTE,
South Eastern Railway, Chakradharapur,
West Singhbhum.

... Respondents

(Advocate: Mr. T.Rath)

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ORDER (ORAL)

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

Heard Ms. K.B.Raychoudhury, 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. Mr. Rath pointed out a deficiency in the cause title in which the name and description of Respondent No.5 needs certain change. On the prayer made by Ms. Raychoudhury, she is allowed to correct the cause title both in the court copies as well as copy served on Mr. Rath, in the Court today.

3. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“i) direct/order that the applicant shall be allowed the benefit of second pension admissible under CCS(Pension) Rules 1972 and corresponding Railway Services (Pension) Rules 1993 w.e.f. 15.05.2009.

ii) direct or order that the arrear and pensionary benefits under the provision of Pension Rules shall be paid within a stipulated time period as may be fixed by this Hon'ble Tribunal.

iii) to pass such other order.....”

4. The applicant, a 79 year's old widow, has filed this O.A. alleging inaction on the part of the Respondents in releasing arrear and second pension on account of death of her son, viz. Ranjan Kumar Sethy, who while working as KSI died on 15.05.2009 due to illness. It has been contended that though the applicant is getting family pension upon death of her husband Late Dhadi Sethy, the same is not a bar for getting second family pension upon the death of her son Late Ranjan Kumar Sethy. Ms. Raychoudhury, Ld. Counsel for the applicant, submitted that though the applicant made several representations vide

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Annexure-A/3 series followed by reminders under Annexure-A/6 series, before Respondent No. 3, till date she has not received any response from the said Respondent No.3 for which she has filed this O.A.

5. In view of the aforesaid fact that the representations of the applicant are stated to be pending, without going into the merit of the matter, we dispose of this O.A. with direction to the Respondent No.3 to dispose of the said representations under Annexure-A/3 and A/6 series, if the same are still pending, and pass a reasoned and speaking order under intimation to the applicant within a period of six weeks from the date of receipt of a copy of this order. Though, we have not gone into the merit of the matter, keeping in mind the age of the applicant, we hope and trust that the said Respondent No.3 will take action as early as possible as per rules and regulations.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. On the prayer made by Ms. Raychoudhury, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites by 03.03.2016.

8. Free copy of this order be made over to Mr. T.Rath.



(R.C.MISRA)
MEMBER(Admn.)



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