

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00136 of 2015
Cuttack, this the 23rd day of March, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

.....

1. Gulbadan Pradhan,
Aged about 56 years,
H/o Late Nidrabati Pradhan.

2. Jyoti Pradhan,
Aged about 23 years,
D/o Gulbadan Pradhan,

Both are resident of Badheimunda, Jharsuguda, PS/Dist Jharsuguda.

.....Applicants

Advocate(s)... M/s. B.S.Tripathy, M.K.Rath, J. Pati.

VERSUS

Union of India represented through

1. The General Manager,
South Eastern Railway,
Garden Reach, Kolkata-43.
2. Divisional Railway Manager,
South Eastern Railway,
Chakradharpur Railway Division,
At/PO Chakradharpur, Dist. Singhbhum,
(Jharkhand).
3. Sr. Divisional Personnel Officer,
South Eastern Railway,
Chakradharpur Railway Division,
At/PO Chakradharpur, Dist. Singhbhum,
(Jharkhand).

..... Respondents

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

.....



ORDER (ORAL)

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

Heard Mr. B.S.Tripathy, Ld. Counsel for the Applicants, 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. M.A.No. 261/15 filed the applicants to prosecute this jointly is allowed. M.A. is, accordingly, disposed of.

3. Mr. Rath, Ld. Standing Counsel for the Railways, at the outset, opposed the very maintainability of the O.A. on the ground of plural remedy. We are also in agreement with Mr. Rath that the prayer made in the Paragraph 8(a) of the O.A. is completely different to that the prayer made in Paragraph 8(b).

4. On the objection made by Mr. Rath, Mr. Tripathy, Ld. Counsel for the applicants, prayed to ignore the prayer made in Paragraph 8 (b) of the O.A. and submitted that the applicants have not yet received the dues as admissible to the applicants under the death benefits though they have made representation on 05.11.2013 under Annexure-A/3 before the Divisional Railway Manager, South Eastern Railway, i.e. Respondent No. 2.

5. Taking into account the submission made by Mr. Tripathy, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representation, if the same has been filed and is still pending consideration, as per the rules in force by way of a well reasoned order and communicate the same to the applicants within a period of 60 days from the date of receipt of a copy of this order. If after such consideration the applicants are





5

found to be entitled to the relief claimed by them then expeditious steps be taken within a further period of 90 days to extend those benefits to the applicants. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicants within a period of two weeks from the date of receipt of a copy of this order.

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

7. As prayed for by Mr. Tripathy, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 25.03.2015.


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


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