

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

19.05.2017

O.A./260/406/2016

M.A./260/256/2017

N NAYAK
-V/S-
M/O RAILWAYS

ITEM NO:3

FOR APPLICANTS(S) Adv. :

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. S. P. Mangaraj, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways on whom a copy of this O.A. has already been served and perused the materials placed on record.</p> <p>2. Mr. Rath submitted that the applicant has impleaded the Chairman of the Railway Board as Respondent No.6 and since the Chairman is not a necessary party in this case his name should be deleted from the record. I agree with the submissions of Mr. Rath, Ld. Standing Counsel. However, since this is a matter of family pension in which some direction should be issued at the stage of admission it is not required to make further amendments. It is to be noted that in respect of the earlier order dated 12.04.2017 of the Tribunal Ld. Counsel for the applicant has made certain corrections in the O.A.</p> <p>3. Ld. Counsel for the applicant submitted that the applicant's husband late Achutananda Nayak who was a Tech-II, under SSE/C&W/Sealdah under the Eastern Railway, expired on 26.02.2015 and at the time of his death, he left behind the present applicant as well as one son and two daughters. Thereafter, the family pension was though due to be paid to the applicant, but that has not been paid. My attention has been drawn to a representation dated 12.03.2015 addressed to the General Manager, Eastern Railway, Kolkata and the Divisional Railway Manager, Sealdah Division, Kolkata. Even though the applicant had submitted the representation on 12.03.2015 the Respondents have not taken any steps for sanction of family pension. It is also seen that the applicant has also enclosed the service book of her husband late Achutananda Nayak. It needs no reiteration by the Tribunal that family pension is a matter which must be disposed of expeditiously since it pertains to right to life of a family of a deceased Railway employee. Therefore, Hon'ble Apex Court in several decisions already reiterated that pension and family pension should not be treated as bounties to be given to the employees and the concerned authorities should take urgent steps to sanction and pay the family pension in terms of the Rules.</p> <p style="text-align: right;">Q Ran</p>

4. In view of the above, I dispose of this O.A at the stage of admission by directing Respondent No.2 to consider and dispose of the representation in accordance with the Rules and Law by a reasoned and speaking order under intimation to the applicant within a period of sixty days of receipt of this order. If the family pension and other retiral benefits are due to be paid to the applicant, it should be paid to the applicant within another period of sixty days of the disposal of the representation.

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

6. On the prayer made by Mr. S. P. Mangaraj, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.1,2 3, 4, 5, 7 & 8 by Speed Post at the cost of the applicant, for which Mr. Mangraj undertakes to file the postal requisites by 24.05.2017.


(RAMESH CHANDRA MISRA)
MEMBER (A)

