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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00701 of 2016
Cuttack, this the 17th day of October, 2016

CORAM
HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)

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Jemamani Naik,
aged about 56 years,
W/o Late Mana Gobinda Naik,
Vill- Baralpokhari, PO- Charampa, Dist- Bhadrak.

...Applicant

(Advocates: M/s. P.K.Chand, N.Samal)

VERSUS

Union of India represented through the

1. General Manager,
East Coast Railway,
Chandrasekharapur,
Bhubaneswar, Khurda.
2. Divisional Railway Manager,
East Coast Railway,
Khurda Road Division,
Jatni, Dist- Khurda.
3. Senior Divisional Personnel Officer,
East Coast Railway,
Khurda Road Division,
Jatni, Dist- Khurda.
4. Senior Divisional Mechanical Engineer,
East Coast Railway,
Khurda Road Division,
Jatni, Dist- Khurda.

... Respondents

(Advocate: Mr. T.Rath)

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ORDER (ORAL)

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

Heard Mr. P.K.Chand, 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.

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2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985. The applicant, who is widow of Late Managobinda Naik, challenges the actions of the Respondents in accepting the voluntary retirement application of her late husband, which was not communicated to him during his life time, and not extending death benefits of her husband by treating the death as in-service death. Mr. Chand, Ld. Counsel for the applicant, submitted that though the Respondents have taken a stand that the applicant's husband had taken voluntary retirement and the same was accepted as evident from order dated 10.10.2007 but during his life time no communication whatsoever manner was received from the Railway-Respondents regarding acceptance of the said VRS. After the death of her husband, the applicant approached authorities for getting the in-service death benefits of the applicant as the applicant's husband was very much in job when he expired but, instead of granting such benefits, the departmental Respondents has given certain benefits which are applicable for persons who has taken VRS.

3. Mr. Chand has brought to my attention the representation made to the DRM, E.Co.Railway (Respondent No.2) on 08.05.2010 and submitted that till date no reply has been received from the said Respondent No.2 and the applicant's grievance more or less can be satisfied if a direction is issued to Respondent No.2 to consider the representation preferred by the applicant on 08.05.2010 by taking into account the facts and law.

4. In view of the above, without going into the merit of the matter and without prejudice to the either side, I dispose this O.A. at this admission stage with direction to Respondent No.2 to consider the said representation, if so pending, and pass a reasoned and speaking order taking into account the

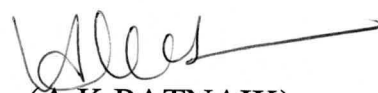
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rules and regulations in force as well as the service record, if any available with the departmental Respondents, and communicate the result thereof to the applicant within a period of six months from the date of receipt of copy of this order and intimate the same to the applicant. I make it clear that I have not expressed any opinion on the merits of the matter and all the points raised in the said representation are kept open for the authorities to consider as per rules and regulations in force, however, if after such consideration the applicant is found to be entitled to the benefits claimed by her then expeditious steps be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

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

6. Copy of this order along with paper book be communicated to Resp. Nos. 2 and 3 by Speed Post at the cost of the applicant for which Mr. Chand, Ld. Counsel for the applicant, undertakes to file the postal requisites by 20.10.2016. Free copy of this order be also given to Mr. T.Rath, Ld. Standing Counsel.


(A.K.PATNAIK)
MEMBER (J)

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