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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 145 OF 2013

Cuttack, this the 20th day of March, 2013

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

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Musi Behera,
aged about 60 years,
Widow of Late Ghana@ Ghana Behera,
Vill./P.O-Khapuriapada,
P.S-Bhandaripokhari,
Dist-Bhadrak,
Odisha,
Retd. Bridge Khalasi,
O/O. Dy. C.E./Con./E.Co. Rly/
Station Bazar,
Town/Dist-Cuttack.

.....Applicant

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

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan,
Chandrasekharpur,
Bhubaneswar,
Dist-Khurda.
2. Chief Administrative Officer (Con.),
East Coast Railway,
Rail Vihar,
Chandrasekharpur,
Bhubaneswar,
Dist-Khurda.



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3. Sr. Personnel Officer,
Con./Co-ordn,
East Coast Railway,
Rail Vihar,
Chandrasekharpur,
Bhubaneswar,
Dist-Khurda.
 4. Deputy Chief Engineer (Con.),
E.Co. Rly, At/P.O-Station Bazar,
Town/Dist-Cuttack.
 5. Financial Advisor & Chief Accounts Officer,
Con./East Coast Railway,
Chandrasekharpur,
Bhubaneswar,
Dist-Khurda.

..... Respondents

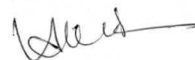
Advocate(s) -Mr.T.Rath.

O R D E R

A.K.PATNAIK, MEMBER (I)

Heard Mr.N.R.Routray, Learned Counsel appearing for the Applicant and Mr.T.Rath, Learned Standing Counsel appearing for the Respondent-Railway.

2. Applicant is the wife of Late Ghana @ Ghana Behera who after retirement from service also died meanwhile. By making representation dated 23.7.2012 to the Respondent No. 3 [Senior Personnel Officer, Con/Coordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar] claimed restoration of her husband in the scale of pay of Rs.4000-6000/-



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w.e.f. 1.10.1999 and grant of consequential arrears on salary, leave salary, DCRG, Commuted Value of Pension and Pension as her husband stood in the same footing as that of the applicant in OA No. 660/2005 and WP (C) No. 7429/2008. It has been alleged that despite passage of more than seven months neither any benefits have been paid to her nor has she been informed the out come of the representation.

3. Mr.T.Rath, Learned Standing Counsel for the Railway-Respondents vehemently opposed the maintainability of this OA on the ground that the order by which the benefits granted to the husband of the applicant having not been challenged during while he was in service and even thereafter, the applicant is estopped to do so at this belated stage on the ground that similarly situated employees challenged the order which was quashed by this Tribunal in OA No. 660/2005 and upheld by the Hon'ble High Court of Orissa in WP (C) No. 7429/2008.


4. Be that as it may this is a matter to be decided by the competent authority. When Applicant submitted a representation claiming certain benefit of her late husband she



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has a right to know the result of the representation and I strongly deprecate the delay in giving a reply on the representation submitted by the Applicant. Hence, as agreed to by Learned Counsel for the Applicant, without expressing any opinion on the merit of the matter at this stage, this OA is disposed of with direction to the Respondent No.3 to take consider the points raised by the Applicant in her representation dated 23.7.2012 and communicate the decision in a reasoned order to the Applicant within a period of 60(sixty) days from the date of receipt of copy of this order. If it is considered that the applicant is entitled to the benefit claimed in her representation then the same may be paid to her in all respect, within another period of 60(sixty) days from the date of passing order on her representation. There shall be no order as to costs.

5. Copy of this order along with paper book be transmitted to the Respondent 3&4 at the cost of the Applicant for which Learned Counsel for the Applicant undertakes to furnish the required postal requisites by 22.03.2013.


(A.K. Patnaik)
Member (Judicial)