

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00002/2014

Cuttack, this the 8th day of January, 2014

CORAM

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

HON'BLE MR. R.C. MISRA, MEMBER (Admn.)

Benga Pradhan,
aged about 58 years,
Widow of Late Babaji Pradhan,
Ex-Senior Trackman, O/O-Dy. C.E./Cen./E.Co. Rly/
Jajpur Keonjhar Road,
Permanent resident of Vill-Sathuapatna,
PO- Marjitapur, Via/PS- Jenapur, Dist- Jajpur Odisha.

.....Applicant

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

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co. R. Sadan,
Chandrasekharapur, Bhubaneswar, Dist-Khurda.
2. Senior Personnel Officer/ Con./Co-ord/
East Coast Railway/ Rail Vihar,
Chandrasekharapur, Bhubaneswar,
Dist-Khurda.
3. Deputy Chief Engineer/Con./
East Coast Railway,
Jajpur Keonjhar Road,
At/PO- Jajpur Road, Dist. -- Jajpur.

..... Respondents

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

ORDER (ORAL)

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

Heard Mr. N.R. Routray, Ld. Counsel for the applicant, and Mr.
T. Rath, Ld. Standing Counsel appearing for the Railways, who accepts
notice on behalf of all the Respondents. Registry is directed to serve notice,



in terms of Sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with a prayer to direct the Respondents to grant full pension as per RBE No. 222/2009 after revising the pay of her husband in PB-I of Rs. 5200-20200/- with Grade Pay of Rs. 1800/- and pay the consequential financial benefits i.e., arrear salary, leave salary, DCRG, arrear family pension as well as unpaid provident fund amount with 12% interest for the delayed period of payment. Mr. Routray, Ld. Counsel for the applicant, submitted that the husband of the applicant was granted temporary status w.e.f. 01.01.1981 and brought over to regular establishment w.e.f. 01.04.1983. He expired on 10.01.2008 while continuing in service. At the time of death, the husband of the applicant was working as Sr. Trackman and the total qualifying service was 23 years and 4 months. By drawing our attention to RBE No. 160/08 regarding placement and fixation of pay of Group-D Railway employees in Grade Pay of Rs. 1800/- in PB-I (Rs. 5200-20200/-) on replacement of PB-IS of Rs. 4440-7440/- with GP-Rs. 1300, 1400, 1600 and 1650/- w.e.f. 01.01.2006 as well as provision enumerated under RBE No. 222/09 issued on 15.12.2009 in which the cut of date has been stipulated to be 02.09.2008 which was modified to 01.01.2006. Mr. Routray submitted that the husband of the applicant is entitled for grant of full pension as well as re-fixation of his scale and payment of consequential financial benefits. He brought to our attention that the applicant preferred representation before Senior Personnel Officer, Con., Co-ord. (Respondent No. 2), vide his representation dated 14.05.2013,




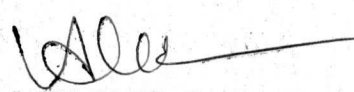
ventilating her grievance as well as putting all the points as stated above but till date no response has been received by her from the said authority.

3. Mr. T.Rath, Ld. Standing Counsel for the Railways, has no immediate instruction if any such representation has been preferred by the applicant on 14.05.2013 and, if so, the result thereof.

4. Therefore, taking into account the arguments advanced by Ld. Counsel for both the sides, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2 to consider the representation, if at all made by the applicant on 14.05.2013 and if the same is still pending, and dispose of the same taking into account the provision of RBE Nos. 160/2008 and 222/2009 vis-à-vis the total length of service of the husband of the applicant and communicate the result thereof to the applicant through a reasoned and speaking order within a period of 60 days from the date of receipt of copy of this order. If after such consideration, the husband of the applicant is found to be entitled to certain benefits then the same shall be extended to the applicant and for which expeditious steps be taken within a further period of 90 days. However, we make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order. No costs.

5. Copy of this order be transmitted to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant, for which Mr. Routray, Ld. Counsel for the applicant, undertakes to file the postal requisites by 10.01.2014.


MEMBER (Admn.)


MEMBER (Judl.)