

In The Central Administrative Tribunal
Calcutta Bench

OA 593 of 1996

Present : Hon'ble Mr. B.P. Singh, Administrative Member
Hon'ble Mr. M.L. Chauhan, Judicial Member

Santi Lohar

-VS-

S.E. Railway

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents: Mr. K. Sarkar, Counsel

Date of Order : 30-04-2002

ORDER

MR. B.P.SINGH, AM

When this case is taken up to-day for final hearing, the Ld. Counsel for the respondents submits that this case is not maintainable on the ground that the husband of the applicant was not regularised when he died. Therefore, pensionary benefit was not given to her. The Ld. Counsel for the applicant has drawn our attention to the recent order dated 23.11.2001 of the Full Bench of the Administrative Tribunal in O.A. No.501 of 1994 (Mrs. Chandra Kala Pradhan - Vs- S.E. Railway) by dint of which the widow can file an application for regularisation of service of her deceased husband. Therefore, the Ld. Counsel prays that she may be permitted to file a fresh application as per the said order.


2. The Ld. Counsel for the respondents has no objection to the above prayer made by the Ld. Counsel for the applicant.

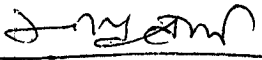
3. Accordingly, we allow the applicant to withdraw the present case with liberty to file a fresh O.A. if the case of the applicant is covered by the decision passed by the Full Bench of the Administrative Tribunal as stated above. The O.A. is, therefore, dismissed as withdrawn.

S. Singh

Contd....

4. The Id. Counsel for the applicant has also drawn our attention to the letter dated 16-1-1998 enclosed as Annexure-R/1 to the reply by the respondents according to which payment of gratuity can be made in this O.A. The applicant if wants to make a representation before the respondent authorities, she may do so and the respondent authorities shall consider the representation according to their letter dated 16-1-1998 (Annexure-R/1) within a period of four weeks from the date of receipt of this order and communicate the decision to the applicant within a period of two weeks thereafter. With this observation, application is disposed of. No costs.


(M.L. Chaurhan)
Member (J)


(B.P. Singh)
Member (A)

DKN