

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.831 of 1996

Present: Hon'ble Dr.B.C.Sarma, Administrative Member.

Hon'ble Mr. D.Purakayastha, Judicial Member.

SMT. PURNIMA DUTTA

-Vs-

UNION OF INDIA & ORS.

For the petitioner: Mr.A.Chakraborty, counsel.

For the respondents: Mr.P.Chatterjee, counsel.

Heard on. 11.11.97.

Ordered on: 11.11.97.

O R D E R

B.C.Sarma, A.M.

1. The dispute raised in this petition is about grant of family pension to the applicant who is the widow wife of the deceased railway employee, who was a casual Gangman. The applicant's husband was initially appointed in the year 1968 as Chowkider under D.E.N. (Construction), S.E.Rly, Kharasapur and attained temporary status w.e.f.1.1.81. Unfortunately, he expired on 29.11.83 while he was in service. The applicant contends that before the death of her husband, he had completed 15 years' service. The applicant has now prayed for issue of a declaration that she is entitled to family pension and other benefits as her husband continued 15 years of service before his death.

2. The case has been opposed by the respondents by filing a reply which we have perused.



3. We have heard the submissions made by the ld. counsel for both the parties and perused records. Mr. Chakraborty, ld. counsel for the applicant, submits that similar benefit has been given to other persons almost similarly circumstanced as the applicant on the basis of a Circular dt. 27.11.86 vide Annexure-C to the petition. He, therefore, submits that the application may be treated as a representation before the authorities concerned and in the light of the earlier ~~xxxxxx~~ decision taken by them, similar benefit may be given to the applicant.

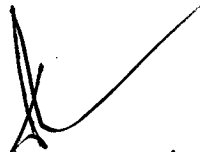
4. Mr. Chatterjee, ld. counsel, appearing for the respondents, agrees to the submissions made by Mr. Chakraborty ^{that} but he argues in the area ~~as to~~ where the applicant's deceased husband had worked, the circular was given effect to w.e.f. 26.8.86. However, he does not have any objection if the authorities consider this application treating the same as a representation of the applicant for giving the benefit in the light of earlier decision taken by them in similar matter.

5. ~~§~~. In view of the above position, the application is ~~dismissed~~ disposed of at the admission stage itself ^{the} with/ direction that the respondents, particularly the Chief Project Manager, the respondent no. 3 herein, shall treat the instant application as a representation to be filed by the applicant and shall dispose it of within a period of 4 months from the date of communication of this Order. They shall consider the representation in the light of the decision taken by them earlier in similar matter; and also keeping in view the submissions made by the ld. counsel for the applicant ^{on} ~~and that have avered in the~~ ^{has been recorded} ~~said application~~. We further direct the respondents to ^{in this order} communicate the result of the decision within a month to

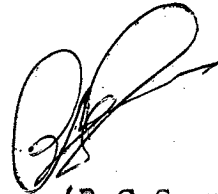
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the applicant. If the result is such that the applicant is entitled to get the benefit in the light of the said circular dt.27.11.86 , all such payments, as may be due to her as on the date of decision, shall be paid to her within a period of 3 months from the date of taking of such decision and thereafter, regularly for the subsequent months.

6. No order is made as to costs.



(D.Purakayastha)
Member(J)



(B.C.Sarma)
Member(A)