

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 957 of 1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman
Hon'ble Mr. I.M.S. Mukherjee, Administrative Member

Lakshmi Debi, w/o Sri Budh Narayan, Ex. Gangman
Eastern Railway, Barasat, residing at E/2,
Baranagar Road Rly. Colony, At & P.O. Belgharia,
Calcutta - 56.

.... Applicant

-Vs-

1. The Union of India, service through the General Manager, E. Rly., Calcutta, 17, Netaji Subhas Road, Calcutta 1;
2. The Divl. Rly. Manager, E. Rly., Sealdah, Kaiser Street, Calcutta-14;
3. The Sr. Divl. Personnel Officer, E. Rly., SDAH, Kaiser Street, Calcutta - 14;
4. The Sr. Divl. Engineer, E. Rly., Sealdah, Kaiser Street, Calcutta-14;
5. The Chief Permanent Way Inspector, E. Rly., Barasat, At & P.O. Barasat, Dist. 24-Parganas (N)

.... Respondents

For applicant : Mr. B.K.P. Karan, counsel

For respondents : Mr. P.K. Arora, counsel

Heard on : 25.6.1997

- Order on : 24.7.1997

O R D E R

A.K. Chatterjee, VC

The petitioner contends that her husband Budh Narayan was a Gangman in Howrah Division and was subsequently transferred to Sealdah Division and posted under the Chief Permanent Way Inspector, Eastern Railway at Barasat. He was in the sick list for the period from 17.9.68 to 31.12.70 and developed insanity and his whereabouts were not known for about 13 years. He returned home in 1984, but shortly thereafter disappeared again and ultimately

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brought down from his native place in Bihar to Calcutta. He being mad, the petitioner made representation to the authorities requesting final settlement but to no effect. In such circumstances, the instant application has been filed for a direction upon the respondents for granting final settlement including all retiral benefits to the petitioner as may be admissible on account of the services rendered by her husband as a Gangman.

2. No reply has been filed on behalf of the respondents, but the Ld.Counsel submitted on instruction that he was in the establishment of Junior Engineer/P.Way/ER/Barasat up to 15.2.1970, ~~during which~~^{but} he remained absent without authority from 15.10.67 to 15.8.68 and again from 15.10.68 to 15.2.70 and thereafter nothing more was known about him.

3. We have heard the Ld.Counsel for the parties and perused the records before us. Even though no reply has been filed by the respondents, the application itself hardly contains sufficient ~~details~~ ^{details} on the basis of which any firm direction can be given to the respondents for payment of settlement dues to the petitioner on ground of alleged insanity of her husband. Even on the basis of the case made out in the application, it does not appear that the petitioner's husband was in service for more than nine years as it does not show that he was even on leave after 31.12.70. It cannot also be said with certainty that the petitioner's husband is completely insane to manage his own affairs or has been adjudicated as such ~~by~~ ^{by} a competent court or that the petitioner has been authorised to act on his behalf or as his guardian. In the circumstances, we are unable to make any order except a direction upon the respondent to treat the application as a representation for the reliefs claimed by her and to dispose it of in such manner and after such enquiry as may be thought fit after giving the petitioner a personal hearing. In case the relief prayed for by the petitioner is

turned down, a reasoned order shall be passed and communicated to the petitioner. Such representation shall be disposed of within three months from the date of communication of this order.

4. The O.A. is thus disposed of. No order is, however, made as to costs.

Mukherjee
24/7/97
(M.S. Mukherjee)
Member (A)

A.K. Chatterjee
24/7/97
(A.K. Chatterjee)
Vice-Chairman