

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 1404 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

Sm. Anjali Mukherjee, wife of Late A.K. Mukherjee, F.S. Porter, under Station Master at Sahibgunj, aged about 62 yrs., residing at C/o. Tulshi Kumar Banerjee, B.C.W. Railway Colony, P.O. Santaldih, District - Purulia, West Bengal.

..... Applicant

-Vs-

1. Union of India, through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Fairlie Place, Cal.1 ;
2. The Divisional Railway Manager, Eastern Railway, Howrah ;
3. The Divisional Accounts Officer, Eastern Railway, Howrah ;
4. The Accounts Officer, Pension Designated F.A. and C.A., Eastern Railway, Calcutta - 700 001 ;
5. The Branch Manager, Central Bank of India, Sahibgunj Branch, P.O. & Dist. Sahibgunj, Bihar.

..... Respondents

For applicant : Dr. Ms.S. Sinha, counsel

For respondents : Mr. C. Samaddar, counsel

Heard on : 10.12.1997 - Order on : 16.12.1997

O R D E R

In this application, the applicant has prayed for a direction upon the respondents to release family pension under liberalised Pension Rules, 1979 stopped from April, 1985.

2. The facts of the case are as follows :

The petitioner's husband was a F.S. Porter at Sahibgunj of the Eastern Railway, who died in harness in the year 1979. After the death of her husband, the petitioner was allowed family pension by the railway authorities according to rules by an order dated 27.9.80 communicated under Memo No.44/E/PEN/HWH/PSB/563(Vide Annexure-'A' to the application). The family pension was drawn by the petitioner up to March, 1985 from the Central Bank of India, Sahibgunj Branch, the respondent No.5 herein, but since thereafter pension has been stopped without showing any reason. It is further submitted that on being asked by the respondent No.5, she submitted her life certificate and non-marriage certificate in 1992 for the purpose of releasing ^{the} withheld pension but no action has been taken by the Bank. ^

3. I have heard the Id.Counsel appearing for the petitioner and the respondents and have gone through the Annexures annexed to the application. Annexure 'B' is a letter from the respondent Bank dated 21.4.92, addressed to the petitioner's Advocate stating that for non-filing of non-marriage and life certificates on the part of the petitioner as required under the rules, the respondent No.5 has stopped pension to be released to the petitioner with effect from April, 1985. It further appears from a letter of the petitioner dated 10.11.92 at page-15 of the application addressed to the respondent No.5 that she presented herself before the said bank for drawing her pension money stating that due to continued ill health, she could not come to withdraw her pension money. Presumably,

the Bank did not release the pension money for non-filing of the non-marriage and life certificate up to date on the part of the petitioner. It further appears that without complying with the bank's requirement, the petitioner started sending representations to the respondent No.1 over the issue of non-payment of family pension.

4. Mr. C. Samaddar, Ld.Counsel appearing for the respondents has rightly submitted that the railway authorities have nothing to do in this matter as the petitioner is to draw her family pension from the respondent No.5 on production of the requisite non-marriage and life certificates as required under the Rules. Mr.Samaddar has also submitted that the railway authorities have taken all necessary steps directing the respondent No.5 to release the withheld family pension to the petitioner. Mr.Samaddar has produced before this Bench a letter dated 19.12.96 under Memo No.44/Pen/HWH/PSB/563 written by the Sr.Divisional Accounts Officer, Eastern Railway, Howrah to the respondent No.5 asking the bank to release her undrawn arrear pension as well as to start payment of current pension without further delay. The Ld.Counsel appearing for the petitioner has drawn my attention to an order passed by this Tribunal on 27.4.95 in O.A. 456/94. In the aforesaid case, this Tribunal directed the Accountant General, Bhubaneswar(Orissa) to issue a fresh PPO, if there was no objection, with intimation to respondent Nos. 4 and 5 directing the Sub-Treasury to pay pension to the petitioner there after such verification and production of documents by the applicant. The facts of the above case are quite distinguishable from the present one. Here

there is nothing to show that the PPO issued by the railway authorities has been cancelled, on the other hand, the materials on record show that the respondent No.5 has stopped payment of pension for non-filing of non-marriage and life certificates as required under the rules(vide Annexure-B). Although the petitioner deserves all sympathy in view of the circumstances stated above, the fact remains that due to her non-filing of requisite certificates, the respondent No.5 has been compelled to stop payment of family pension.

5. In view of the above, the application is disposed of with this direction upon the respondents, specially the respondent No.5 to release all undrawn arrears of family pension and to start payment of current pension to the petitioner within six weeks from the date of communication of this order on the petitioner's filing the requisite certificates, namely non-marriage certificate and life certificate as required under the rules before the respondent No.5 within four weeks from this date.

6. No order is made as to costs.

S. N. Mallick
(S.N. Mallick)
Vice-Chairman