

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.O.A.432/1996

Date of order : 9.2.2004

Present : Hon'ble Mr. N. Prusty, Judicial Member  
Hon'ble Mr. N.D. Dayal, Administrative Member

ARCHANA DASGUPTA  
VS.  
UNION OF INDIA & ORS.

For the applicant : Mr. K.N. Roy, counsel  
For the respondents : Mr. M.K. Bandyopadhyay, counsel

O R D E R

N. Prusty, J.M.

The applicant who claims to be the wife of late Sisir Ranjan Dasgupta, ex employee of the Railway Administration, has filed this application for the following reliefs:-

"To direct the Respondents to sanction family pension in favour of the applicant being the first wife of the deceased employee forthwith;  
And to pass such further or other order or orders as to this Tribunal may seem fit and proper."


2. Heard Mr. K.N. Roy, ld. counsel for the applicant and Mr. M.K. Bandyopadhyay, ld. counsel for the respondents.

3. Mr. Roy, ld. counsel appearing on behalf of the applicant submits that the applicant was the first legally married wife of late S.R. Dasgupta and she has got a certificate from the competent authority to that effect. Later on by order dated 18.2.1976 in matrimonial suit No.26/1973 in the Court of Additional District Judge, Ist Court, Hooghly, both the applicant and her husband were judicially separated. Copy of the said order has been filed alongwith the O.A. as Annexure 'B'. It is further submitted by the ld. counsel that the applicant is the legally married wife of the ex employee. But the railway authorities have not considered her claim for grant of family pension and have rejected her claim by order dated 30.8.1995(Annexure 'G').

4. Mr. Bandyopadhyay, ld. counsel for the respondents submits

that by letter dated 9.12.1993 the Railway Administration intimated the applicant that even though civil Authority's certificate regarding family members of the ex employee was asked for by letter dated 30.11.1993, the same has not yet been received and hence you have no ground at this stage unless your identity is clearly and legally established. As such the Railway Administration could not consider her claim for family pension as the ex employee had two wives and the applicant could not produce any document to prove that she is the first wife of the deceased. The applicant was also accordingly intimated by letter dated 17.5.1994 (Annexure 'F'). Finally the claim of the applicant for grant of family pension was rejected by the Office Order dated 30.8.1995 (Annexure 'G') wherein it has been categorically mentioned by the Railway Administration that the applicant made no effort for establishing her claim during the lifetime of her husband. However, Mr. Bandyopadhyay ld. counsel submits that the applicant has only filed the documents along with this O.A. relating to her marriage (Annexure "A") and the order of the competent court regarding judicial separation (Annexure "B"), which were never filed by her earlier even though she was asked by the Railway Administration to file the document support of her claim specifically much earlier.

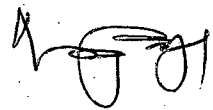
5. At this stage ld. counsel Mr. Roy submits that since the applicant has now filed all the above documents i.e. Annexure 'A' and 'B' along with the O.A. the O.A. can be disposed of directing the official respondents to reconsider the claim of the applicant basing on the above documents issued by the civil authorities as were required by the Railway authorities earlier, by giving a chance of personal hearing to the applicant.



6. Mr. Bandyopadhyay, ld. counsel for the official respondents submits that in case the applicant submits all the required documents in original at the time of personal hearing in this matter, then the case of the applicant can be reconsidered in accordance with law.

7. Considering the above submissions made by the ld. counsel for both the parties, we direct the official respondents to treat this O.A. as representation of the applicant and reconsider the claim of the applicant for family pension, by giving her a chance of personal hearing and dispose of the same by passing a reasoned/ speaking order as per rules, within a period of 3 months from the date of receipt of this order. The applicant is directed to furnish all the documents in original in support of her claim as would be required by the competent authorities, at the time of personal hearing.

8. The O.A. is accordingly disposed of with the above observation/direction. There shall be no order as to costs.



MEMBER(A)



MEMBER(J)