

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.434 of 1996

Present : Hon'ble Mr.D.Purkayastha, Administrative Member.

SMT.RADHA RANI BISWAS
W/o Late Tarapada Biswas,
Housewife, at present
residing at Railway
Quarter No.146/C,
Old Farakka, P.O. & P.S.
F.B.P., Dist : Murshidabad.

... Applicant
Vs.

1. Union of India through the General Manager, Eastern Railway, Fairlie Place, Calcutta-1.
2. General Manager, Eastern Railway, Fairlie Place, Calcutta.
3. Divisional Railway Manager, Eastern Railway, Howrah.
4. Sr. Personnel Officer, Eastern Railway, Howrah.
5. Senior Divisional Engineer, Eastern Railway, Howrah.
6. The P.W.I., Eastern Railway, Hooghly, District : Hooghly.

... Respondents

For the applicant : Mr.R.K.Chakraborty Thakur, counsel.

For the respondents: Mr.C.Samadder, counsel.

Heard on : 20.4.1998

Order on : 20.4.1998

ORDER

Heard 1st.counsel for both the parties over an application filed by Smt.Radha Rani Biswas W/o Late Tarapada Biswas, Ex-Gangman under PWI, Eastern Railway, Hooghly, stating that her husband, Late Tarapada Biswas was a Gangman who died on 23.3.1975 while he was in service. At the time of death of her husband, she had only one son. That son also died subsequently. Thereafter, five months after the death of her husband,

another child was born and that son is living. It is stated by the applicant that after the death of her husband, she lost her memory and she was under the treatment of private doctor from 5.7.1978 to 30.11.1994. The applicant has produced a letter issued by the respondents on 10.4.1995 (annexure 'B' at page 11 of the application), which shows that she was paid Rs.639/- on account of SC DF. Her husband's P.F. A/c No. was 422416. So she filed an application before the authority on 28.6.1995 claiming family pension and other retiral benefits of her husband. That application was also supported with an affidavit. Since the applicant did not get any reply from the respondents, she approached this Tribunal for having a direction upon the respondents to disburse the death-cum-retirement dues to her, being the only surviving legal heir of Tarapada Biswas, Ex-Gangman, under PWI, Eastern Railway, Hooghly.

2. It is unfortunate that the respondents have not filed a reply to the application. Ld.counsel, Mr.C.Samadder, appearing on behalf of the respondents, submits that he repeatedly asked the department to file a reply in this case, but they had not taken any step for filing of the same. In view of the circumstances, Mr.Samadder very fairly submits before me that the case of the applicant may be sent to the Sr.Personnel Officer, Eastern Railway, Howrah, who is the competent authority to decide the case, for consideration of the applicant's representation and to grant appropriate relief as per law. But ld.counsel for the applicant, Mr.R.K.Chakraborty Thakur, submits that this Tribunal should decide the case on merit since the respondents did not file any reply in this case.

3. I have considered the submissions of the ld.counsel for both the parties in the matter and I find that some particulars of the deceased employee are wanting for proper

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adjudication of this case. It remains undisputed in this case that the records are lying with the Department. So department will be competent to decide the case of the applicant in accordance with law to give appropriate relief to the unfortunate widow who is also illiterate. It is also not understood that when the widow, the present applicant, made a representation to the Divisional Railway Manager, Eastern Railway, Howrah, on 28.6.1995, why the said authority did not give any reply to the same, regarding the relief as claimed by the applicant. Thereby I am satisfied that there are serious laches on the part of the respondents in this case when the subject matter of this case relates to the ^{'Survivor'} retiral benefits of the applicant. In view of the aforesaid circumstances, I think it will be appropriate on my part to direct the respondent no.4, Sr. Personnel Officer, Eastern Railway, Howrah, to consider the case of the applicant and to grant her the appropriate relief, according to law.

4. The application is thus disposed of with the direction upon respondent no.4 to consider the case of the applicant, according to law, within four weeks from the date of communication of this order. For the said purpose, the respondents should treat the instant application as a representation of the applicant and the decision so taken should be communicated to the applicant by way of a speaking and reasoned order. If the applicant is found entitled to get retiral benefits of her late husband, she should be paid the same by the respondents within a period of three months from the date of taking of such decision. For granting such relief, relaxation of the rules by the competent authority, if required, be done by the respondents. If the applicant is aggrieved by the decision taken by the authorities, she is at liberty to file a fresh application before this Tribunal, if she so thinks fit and proper.

5. No order is made as to costs.

11 Oct 1998
(D.Purkayastha)
Judicial Member