

In the Central Administrative Tribunal
Calcutta Bench

CPC No.51 of 1998
(OA No.1456 of 1997)

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

Sudhangsu Kr. Manna

... Applicant

Vs.

- 1) General Manager, S.E.
Railway, Garden Reach
Calcutta-43.
- 2) Chief Personnel Officer,
S.E. Railway, Garden Reach,
Calcutta - 43.
- 3) Chief Signal & Telecom Engineer,
S.E. Railway, Garden Reach,
Calcutta - 43.

.... Respondents

For the Applicant : Mr. B.C. Sinha, Advocate

For the Respondents: Ms. B. Ray, Advocate

Heard on : 17-9-98

Date of Judgement : 17-9-98

ORDER

Heard ld. Advocates for both the parties over an application bearing No.CPC 51 of 1998 filed by the applicant on the ground that respondents did not comply with the order dated 26-12-97 passed by this Tribunal by which Hon'ble Tribunal directed the respondents to consider the representation submitted by the applicant on 5.10.97 as set out in Annexure 'A-2' to the application and to pass appropriate order thereon as per law within a period of two months from the date of communication of this order and they should also take further consequential action if the applicant's representation was allowed either in whole or in part and such consequential action should be taken by them within a period of one month thereafter. According to Mr. Sinha for the applicant, under

the Pension Rule, respondents cannot ask the pensioner to provide joint photograph of the applicant and his wife for getting pension. The applicant is unable to produce the joint photograph since his wife is suffering from schizophrenia and for that he filed a divorce case.

2. Respondents filed reply to the application bearing No.51 of 1998 and it is stated in the reply that respondent No.2 passed the speaking order in obedience to the Hon'ble Tribunal's order and the same was conveyed to the applicant as well. And thereby, the respondents have complied with the order of Central Administrative Tribunal, Calcutta Bench. As such, allegations of the applicant are false, fabricated and totally malafide one. It is also stated that delay of four days was unintentional and is regretted and the respondents tendered unqualified apology for the delay. Id. Advocate Ms. Ray for the respondents has drawn my attention to para 1009 (iii) of Manual of Railway Pension Rule, 1950 which prescribes ~~that~~ ^{The} name of the specified documents to be enclosed with the application for pension. Sub-clause (iii) of 1009 prescribes for two copies of joint photograph in passport size (3" x 2") duly authenticated with the applicant's signature on the back of it.

If also says,

In the case of railway servants governed by the Family Pension Scheme for Railway Employees, 1964, three copies of the applicant's joint photograph with wife/husband in passport size duly authenticated with his/her signature on the back of it. Joint photograph is not necessary in the case of Purdahnashin ladies.

3. Id. Advocate Mr. Sinha submits that Manual of Railway Pension Rule has been repealed by the new Pension Rule. But Id. Advocate Ms. Ray submits that the form filled up by the applicant requires joint photograph for family pension.

4. It is found that the old Manual of Railway Pension Rules, 1950 has been repealed by enacting a new Railway Service Pension Rules, 1993 and thereby, the provision of the Manual of Pension Rules, 1950 has no manner of application to the case of the applicant. But the

accompanied with application. Lt. Advocates of both the parties could not show any rule for furnishing a passport size joint photograph for the purpose of getting pension of railway service and it is found that joint photograph is only required by the authority for the purpose of granting family pension to a widow or legal representative of the deceased govt. servant. So, I do not find any impediment to grant the pension to the applicant on the basis of the photograph furnished by the applicant. Moreover, it is found from the provision of the rule in para 1009 (iii), Manual of Railway Pension Rules, 1950 that joint photograph is not necessary in the case of Purdahnashin ladies. So it can be said that joint photograph can be exempted by the authority in case of Purdahnashin ladies for the purpose of granting pension. Thereby, joint photograph is not mandatory for the purpose of getting pension. It is also stated by the applicant that he has filed a divorce case against his wife who has been suffering from schizophrenia. In view of the aforesaid circumstances, I find that photograph is not required for the purpose of pension. Accordingly, application is disposed of with direction upon the respondents to make payment of ~~all retirement benefits~~ ^{pension} except family pension to the applicant within 3 months from the date of communication of this order.


(D. Purkayastha)
Member (J)