

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1027 of 1997

Date of Order: 24.11.2004

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr. M.K. Misra, Administrative Member

SEFALI KAHALI

VS.

UNION OF INDIA (N.F. RAILWAY)

For the applicant : Mr. A.K. Banerjee, Counsel

For the respondents : Ms. U. Sanyal, Counsel

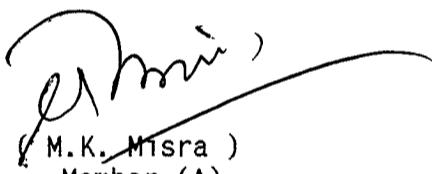
O R D E R (ORAL)

Mr. Mukesh Kumar Gupta, JM:

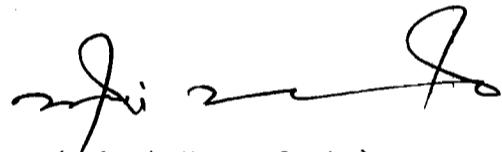
This is an unfortunate case where the widow of late Hirendra Kumar Kahal, Ex-Record Keeper has been running to secure pension. The admitted facts of the case are that the applicant's husband was appointed on 19.6.1950. Thereafter, he was working satisfactorily except when he was continuously sick from 25.7.1968 to 5.12.1973. According to the applicant, he was declared unfit for further service in the Railway. When such was the fact, he was terminated & that too retrospectively vide order dated 15.1.1974. The aforesaid period of sickness was regularised as LAP-LHAO for the period 25.7.1968 to 31.8.1972. Certain period of 67 days was treated as leave without pay. It is contended that as per the relevant provision of para 1730 and 1731 of Indian Railway Establishment Manual and Indian Railway Act, the respondents have no right to forfeit or withhold his pension and gratuity. It is undisputed fact that late husband of the applicant died on 23.5.1980 and she was in the possession of Government accommodation, which was vacated only on 6.12.1989. During the life time of her husband he was not paid any settlement dues. Representation made to the concerned authority, did not yield any positive result.

2. We note that no reply has been filed in this case despite the fact that the matter pertains to the year of 1997. We have perused the OA & heard Ld. Counsel for the parties.

After giving careful consideration to the aforesaid facts, we are of the considered view that it would be just and equitable in the facts and circumstances of the present case ^X ~~h~~ that interest of justice would be served if the respondents are directed to release the minimum family pension without any arrears to the applicant, within a period of three months from the date of receipt of a copy of this order. Order accordingly. It is made clear that no further extension of time for making payment of family pension will be entertained and considered. Without the above direction the OA is disposed of. No costs.



(M.K. Misra)
Member (A)



(Mukesh Kumar Gupta)
Member (J)

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