

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA No.253/97

Present : Hon'ble Mr.B.V. Rao, Member(J)  
Hon'ble Mr.A.R. Basu, Member(A)

Tapati Munsi

-Vs-

Union of India, through GM, CLW, Chittaranjan

For the applicant : Ms U. Bhattacharjee, Counsel

For the respondents : Mr C.R. Bag, Counsel

Date of Order : 10.11.2006

ORDER

Mr.B.V. Rao, JM

Smt Tapati Munsi working as Aya in CLW Chittaranjan has filed this OA under Section 19 of A.T. Act seeking the following reliefs :

- a) a direction upon the respondent to release the family pension of the applicant due on the account of the death of the applicant's husband on 2-8-88.
- b) a direction upon the respondent to make payment of DCRG, GSI Pension due from 19-9-86 to 2-8-88 with all arrears and interest at the market rate along with the compensation for deliberate delay in making payment.
- c) a direction upon the respondent to make payment of Provident Fund money with interest to the applicant in equal shares along with two daughters who are under the care of the instant applicant and as the applicant is the natural guardian of the said two daughters of the deceased and the applicant.

2. The brief facts of the case according to her are that her husband Late Adhir Munsi was working as ADM/ELDO(M) in CLW Organisation from about April, 1973 and died on 2-8-88 after having 15 years of service. During his service he suffered with mental ailment and was treated in Lumbini Park Mental Hospital, Calcutta. She further submitted that while her husband was in service he was served with a memorandum for his unauthorized absence w.e.f. 22-12-84 and on the basis of the Inquiry Report he was removed from service w.e.f. 19-9-86 F/N. Thereafter, her husband died in the year 1988. After that she made a representation dated 7-4-98 to the authorities claiming the reliefs



for family pension and other settlement dues of her deceased husband. She further submitted that since the authorities failed to dispose the representation, she filed OA bearing No.534/2001 before this Bench and the same was disposed on 11-6-01 as follows :

“5. Accordingly, the respondents are directed to dispose of the representation of the applicant dated 7-4-1998 (Annexure A/1 to the OA) with a reasoned and speaking order treating this OA as a part of the same within one month from the date of receipt of the order. If the decision of the department goes in favour of the applicant, she shall be paid family pension and other consequential benefits within 2 months from the date of taking decision in this regard. The applicant is directed to send a copy of this order to the respondents for their compliance. The O.A. stands disposed of accordingly at the stage of admission. No order as to costs”.

She further stated that in pursuance of the order and judgement dated 11-6-2001 of this Tribunal the respondent authorities disposed the representation dated 7-4-98 regretting grant of family pension and other pensionary benefits to the applicant as she is not entitled for the same. Being aggrieved and dissatisfied with the impugned speaking order dated 24-9-2001 she approached this Tribunal by way of this instant OA to ventilate her grievance.

3. The respondents contested the matter by filing a reply stating that Shri Adhir Munsli, the husband of the applicant was removed from service w.e.f. 19-9-86 vide their office order dated 18-9-86 as a disciplinary measure under the provision of Railway Servants D&A rules 1968. In accordance with the rule 309 of MRPR 1950 no pensionary benefits is admissible to a Railway Servant on whom the penalty of removal from service is imposed under RSDA Rules, 1968. Shri Adhir Munsli died on 2-8-88, i.e. 2 years after removal from service. According to the said provision of the MRPR family pension is not payable to the applicant. Hence the respondents contended that the instant application should be dismissed with costs.

4. Heard both the parties.

5. The learned counsel for the applicant reiterated the facts of the case and she mainly stated that since the applicant's husband worked for more than 13 years in the organization, the applicant is entitled for family pension and other benefits.

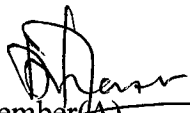


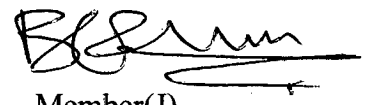
6. Per contra the learned counsel for the respondents strongly opposed the submissions and he mainly stated before us that the applicant's husband was removed from service as a disciplinary measure under the provisions of the RSDA Rules, 1968. He further contended that in accordance with Rule 309 of MRPR 1950 no pensionary benefit is admissible to a Railway Servant who was removed from service because of penalty imposed under RSDA Rules, 1968. He further contended that the respondent authorities has complied the order and judgement dated 11-6-2001 of this Tribunal in OA 534 of 2001 in accordance with law and passed a reasoned and speaking order dated 24-9-2001 rejecting the claims of the applicant.

7. We have considered the submissions and arguments of both the parties. We have carefully gone through the pleadings and material on record.

8. After a careful reading of Rule 309 of MRPR 1950 and other relevant provisions we are of opinion that the applicant is not entitled to claim any relief.

9. In the result for the foregoing reasons and in view of the extant rules and provisions we do not find any merit in this OA and the same is dismissed. No costs.

  
Member(A)

  
Member(J)