

In the Central Administrative Tribunal  
Calcutta Bench

OA No.330 of 1997

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

Hashi Rani Dey & Ors.

.... Applicants

Vs.

- 1) Union of India, through General Manager,  
Eastern Railway, Fairlie Place, Calcutta.
- 2) General Manager, Eastern Railway,  
Fairlie Place, Calcutta.
- 3) Divisional Railway Manager,  
Eastern Railway, Howrah.
- 4) Chief Parcel & Luggage Inspector,  
Howrah Parcel, Eastern Railway, Howrah.

..... Respondents

For the Applicants : Mr. S.N. Mitra, Leading Id. Advocate  
Mr. P.K. Ghosh, Id. Advocate

For the Respondents: Mr. P.K. Arora, Id. Advocate

Heard on : 11-8-98

Date of Judgement : 11-8-98

O R D E R

The applicant Smt. Hashi Rani Dey, being widow wife of the deceased railway servant late Banerwar Dey, Ex-Porter working under Chief Parcel & Luggage Inspector, Howrah Parcel, Eastern Railway, Howrah filed this application claiming compassionate appointment on account of death of her husband who died in 1974 after rendering 23 years of service on Railway as a Porter w.e.f. October, 1951 and also claimed family pension and other settlement dues on account of death of her husband. According to the applicant, her husband's name was recorded in his SRPF account for the year ending 31.3.70 as per Annexure-B to the application and he obtained Identity Card bearing No.09681 (Annexure-A to the application). It is stated in the application that she applied for appointment

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on compassionate ground on 10-5-75 (Annexure-G to the application) to the Divisional Superintendent, Eastern Railway, Howrah and subsequently she also prayed for settlement dues such as family pension/ex-gratia as admissible to her on account of death of her husband who died on 4.2.1974. But respondents did not take any action in this case and she has been compelled to file this application before this Tribunal for getting all settlement dues and family pension/ex-gratia and for appointment on compassionate ground.

2. The case is not resisted by the respondents by filing any reply to the OA. Id. Advocate Mr. Arora for the respondents, without filing any reply to the OA, raised objection that multifarious relief is not permissible under the Rule and application is belated one for appointment on compassionate ground. So, application is not maintainable.

3. But Id. Advocate Mr. Ghosh for the applicant submits that the applicant has now abandoned the claim of appointment on compassionate ground as claimed in this application. But she should be given liberty to file a fresh application for appointment on compassionate ground.

4. I have considered the submissions of Id. Advocates for both the parties at length and gone through the records. Respondents did not file any reply nor produced any record at the time of hearing. So averments made in the application are not controverted by the respondents in this case. So, requisite presumption is that the averments made in the application are correct and based on records maintained by the department. Since deceased railway servant rendered 23 years' service as claimed in the application on regular basis, she is entitled to get settlement dues and pensionary benefits as admissible to the applicant under the Rules. It is found from the application that applicant's husband name was recorded under the scheme of SRPF account for the year ending 31.3.70 as per Annexure-B to the application. So, she is entitled to get benefits of pension or ex-gratia as the case may be under

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the scheme of SRPF since no <sup>family</sup> pension scheme 1964 cannot be applied because applicant did not claim that her husband wanted to switch over from the scheme of SRPF. to family pension

5. In view of the aforesaid circumstances, I find that respondents were not justified for non-payment of ex-gratia payment and other settlement dues as admissible under the Rule from the year 1975 and respondents slept over the matter more than 20 years and ultimately applicant had to approach this Tribunal for getting admissible relief or settlement dues on account of death of her husband. As such inaction and omission on the part of the respondents does not speak well in the matter of administration of service matter in the department. However, I find that it is a fit case to issue direction upon the respondents to grant ex-gratia payment and other settlement dues under SRPF which would be admissible to her on account of death of her husband and accordingly, I direct the respondents to grant all settlement dues with ex-gratia payment, DCRG money under the scheme of SRPF, within three months from the date of communication of this order with interest on the settlement dues at the rate of Rs.12% from the date of filing of this application till payment is made. Applicant is also entitled to get cost of litigation to the extent of Rs.500/- to be paid by the respondents to the applicant. With this observations application is disposed of.

*11/8/98*  
( D. Purkayastha )  
Member(J)