

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 300/03

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....04.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 24.12.2004.....Pg. 1.....to 3 8/17.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....300/03.....Pg. 1.....to 24.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S. 210-6.....Pg. 1.....to 5.....  
215 RAO (to 5).....82-1.....47
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

Original Application No:- 300 / 03

Contempt Petition No: 2

Name of the Applicant(s): Smt. L. R. Nair

Advocate for the Applicant:- Mr. R. Sarma, Mr. R. Rama.

Advocate for the Respondent:- Rly. Adv. J.L. Sawkan

**Member (A)**

Steps 2 envelopes  
läten.

N.B. 1) Express not yet received  
Res. R-6  
2) Express Rs 5.00 not  
yet clip on R-6. X

30/1/2023

Mr. Buhle  
Member (A)

Notice & order dt. 8/1/04,  
Sent to D/section for  
issuing to respondent  
Nos. 1 to 6.

9/1/04

12/3/04

31.3.2004

Present: Hon'ble Shri Kuldeep Singh,  
Judicial Member

Hon'ble Shri K.V. Prahladan  
Administrative Member.

The case has been wrongly  
listed today. List on 9.4.04 as already  
ordered.

*K.V. Prahladan*  
Member(A)

*am*  
Member(J)

1) Memo of Appearance  
filed by The Railway  
Counsel.

nkm

26.4.2004

None were present for the parties.  
post the matter on 14.5.2004 for order.

2) Written statement has  
been filed by Mr. S. Bhuyan,  
Advocate for the Respondent  
No. 6 (Smt. Chandana Nain)

bb

6.5.2004

On the plea of counsel for the  
respondents four weeks time is given to  
the respondents to file written state-  
ment. List on 7.6.2004 for orders.

*K.V. Prahladan*  
Member (A)

Issue notice as per  
Court's order dated 11.3.04.

12/3/04

*K.V. Prahladan*  
Member (A)

Notice already send vide  
despatch NO. 84-89 dated 14/1/04

mb

to the respondents vide court's  
order dated 5-1-04.

7.6.2004

Four weeks time is granted to the  
~~xxxx~~ respondents to file written state-  
ment. List on 9.7.2004 for orders.

12/3/04

*K.V. Prahladan*  
Member (A)

W/s filed on behalf  
of R. No. 6.

bb

3.8.2004

Written statement has been filed.  
List on 6.9.2004 for hearing.

5.5.04

21.7.04

W/s submitted by  
the Respondent No. 1, 2, 3,  
4 & 5.

mb

*K.V. Prahladan*  
Member (A)

*Pran.*

Notes of the Registry	Date	Order of the Tribunal
	6.9.2004	Heard learned counsel for the parties. Hearing concluded. Judgment reserved.
	pg	
14.9.04 Copy of the Judgment has been sent to the D/Sec. for issuing the same to the applicant as well as to the L/Advocate for the Rly. sed.	09.09.2004	Judgment delivered in open Court, kept in separate sheets. The application is disposed of. No order as to costs.
	mb	

*[Signature]*  
Member (A)

*[Signature]*  
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./XXX No. 1111 300 of 2003.

DATE OF DECISION 09.09.2004

....Smti..Lakhi.Rani.Nath.....APPLICANT(S).

....Mr.R.Sarma & A.Rahman.....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

....U.O.I.&Ors.....RESPONDENT(S)

....Mr.J.L.Sarkar for Respondents 1 to 5 &  
Mr.M.Chanda for respondent 6.....ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member(A).

KWD

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 300 of 2003.

Date of Order : This, the 9th Day of September, 2004.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Srimati Lakhi Rani Nath  
Wife of Sri Prafulla Kumar Nath  
Resident of New Colony, Kalibar under  
Post Office, Police Station and  
District: Bongaigaon, Assam. . . . . Applicant.

By Advocates Mr.R.Sarma & Mr.A.Rahman.

-Versus -

1. Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Railway  
New Delhi.
2. The General Manager  
North East Frontier Railway  
Maligaon, Guwahati.
3. The Divisional Railway Manager  
N.F.Railway, New Bongaigaon  
Assam.
4. The District Electrical Engineer (W)  
N.F.Railway, New Bongaigaon  
District: Bongaigaon, Assam.
5. Chief Electrical Engineer (WS)  
N.F.Railway, New Bongaigaon.
6. Smt. Chandana Nath  
W/o Late Bablu Nath  
Resident of Kalibari, New Colony  
P.O. & P.S: Bongaigaon  
District: Bongaigaon, Assam. . . . . Respondents.

By Mr.J.L.Sarkar, Advocate for respondent nos.1 to 5 &  
Mr.M.Chanda, Advocate for private respondent no.6.

O R D E R

K.V.PRAHLADAN, MEMBER(A):

The applicant has filed this Original Application demanding 50% of the family pension and other death benefits on expiry of her late son Bablu Nath. The husband of the applicant was an employee under District Electrical Engineer, New Bongaigaon. He was declared

medically unfit for service on 23.11.1994 and was released from service. The applicant's son Bablu Nath was appointed on compassionate ground in a group 'D' post vide letter dated 14.12.1996. Bablu Nath passed away on 17.6.1999. The widow of late Bablu Nath (daughter in law of the applicant) was given compassionate appointment in a group 'D' post on 21.9.1999. The applicant stated that her daughter in law left her and is <sup>now</sup> staying separately and she has not been helping the applicant financially. This has caused a lot of financial hardship <sup>and</sup> <sup>Applicant.</sup> ~~in~~ starvation to the <sup>Applicant.</sup> ~~father in law~~. The applicant claims that her daughter in law was appointed in a group 'D' post on compassionate ground in order to look after the dependent members of the family. But as her daughter in law is not helping the applicant's family financially, the applicant has claimed 50% share of death benefits including family pension of her late son with the balance amount going to her daughter in law.

2. Respondent nos.1 to 5 in the written statement stated that the parents of late Bablu Nath are not entitled to any benefits since the deceased employee left behind his wife and a child.

3. Respondent no.6, widow of late Bablu Nath in her written statement submitted that the parents of her late husband are getting the pension amount of Rs.5,000/- p.m. and the major brother of the deceased is running a shop and is thereby financially independent. The respondent no.6 also stated that she is drawing a salary of Rs.4,411/- p.m. as Annexure R-1 at page 29 of the O.A.

4. I have heard learned counsel for the applicant and also learned advocate for respondent nos.1 to 5 as well as learned counsel appearing on behalf of private respondent no.6. The financial benefits payable on the death of a government official shall only be made as per the rules laid down by the Railways as under:

1. The P.F. amount standing at the credit of the deceased employee will be paid as Railway Board circular No.F(E)III-88/PN 1/42 dated 20.10.1989.

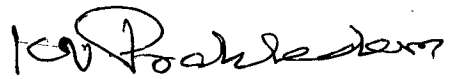
2. Family pension will be paid as per Railway Board Circular No.F(E)III-7-PN 1/36 dated 2.2.1972.

3. The amount of Deposit Link Insurance Scheme will be paid as per Railway Board Circular No. E(W)75 WE1-1 dated 21.7.1976.

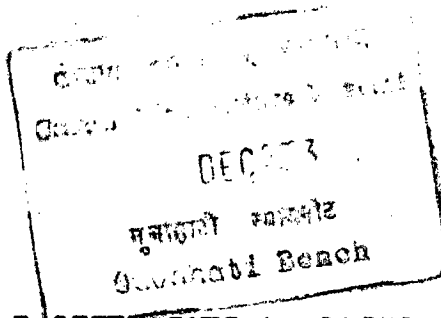
4. The death gratuity shall be payable to the nominee or nominees according to the shares specified in the nomination. If the deceased employee had a family at the time of making nomination, the nomination will not be in favour of any person other than the members of the family. If there is no nomination or the nomination made does not subsist the gratuity shall be paid to wife and daughter in equal shares.

5. Benefits under C.G.G.I.S., 1980 to be paid as per Para 9, 10 & 11 of the Scheme.

With the above directions, the O.A. is disposed of. No order as to costs.

  
( K.V.PRAHLADAN )  
ADMINISTRATIVE MEMBER





IN THE HONBLE ~~CENTRAL~~ CENTRAL ADMINISTRATIVE TRIBUNAL :  
GUWAHATI BENCH : GUWAHATI.

O. A. No. 300 of 2003

B E T W E E N

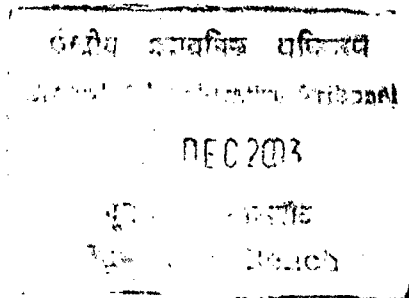
Smt. Lakhi Rani Nath .. Applicant.

- AND -

Union of India and  
others. .. Respondents

S Y N O P S I S

The applicant files this application praying for issuance of Mandamus/direction for payment of 50% of family pension and death benefit on expiry of his son named Late Bablu Nath on 17-6-1999 who was a grade-IV employee in N.F. Railway. Late Bablu Nath was appointed on compassionate grounds due to mentally retarded of his father named Sri Prafulla Kumar Nath who was a Grade-IV employee in N.F. Railway. On the death of Late Bablu Nath his wife named Smt. Chandana Nath was appointed on compassionate ground as Group-D Employee in N.F. Railway. At present Smti. Chandana Nath is drawing Rs. 11,000/- (Eleven thousand) only monthly salary in addition to family pension of Late Bablu Nath. The applicant has no source of income and entire members of the family were depending on the income of Late Bablu Nath. Hence this applicant prays for payment of arrears of Family Pension and death benefits and payment of family pension in future regularly in equal share between the applicant and Smti. Chandana Nath.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:  
G U W A H A T I

Application Under Section 19 of the  
Administrative Tribunal Act, 1985.

Original Application No. 300 of 2003

Between

Srimati Lakhi Rani Nath .... Applicant

And

Union of India & Others .... Respondents

Sl.No.	Description	Page Nos.
1.	Application	01 - 11
2.	Verification	12
3.	Annexure- A	13
4.	Annexure -B	14
5.	Annexure -C	15
6.	Annexure- D	16- 17
7.	Annexure -E	18- 20
8.	Annexure -F	21- 23
9.	Annexure -G	24

Filed by

*Rajeswar Sarma*

(Rajeswar Sarma )  
Advocate

For the Tribunal's Office

Date of Filing :- 29.12.2003

Registration :-

Signature :-

Filed by

through

Agizur Rahman  
Advocate

Date - 27/12/03

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL:::::  
GUWAHATI BENCH, GUWAHATI

O.A. 30 OF 2003

IN THE MATTER OF :

An application Under Section 19 of the  
Administrative Tribunal Act, 1985.

- And -

IN THE MATTER OF :

Srimati Lakhi Rani Nath,  
Wife of Sri Prafulla Kumar Nath,  
Resident of New Colony, Kalibari under  
Post Office, Police Station and  
District : Bongaigaon, Assam.

.... Applicant

- Versus -

1. The Union of India,  
Represented by the Secretary to  
the Government of India,  
Ministry of Railway, New Delhi.
2. The General Manager,  
North East Frontier Railway,  
Maligaon, Guwahati.
3. The Divisional Railway Manager,  
N.F. Railway, New Bongaigaon, Assam.
4. The District Electrical Engineer(W),  
N.F. Railway, New Bongaigaon,  
District : Bongaigaon, Assam.

contd...p/2

12

( 2 )

5. Chief Electrical Engineer(WS),  
N.F. Railway, New Bongaigaon.

6. Smt. Chandana Nath,  
W/O Late Bablu Nath,  
Resident of Kalibari, New Colony,  
P.O. & P.S.: Bongaigaon.  
District : Bongaigaon, Assam.

.... Respondents

Details of Application :

(1) The particulars against which the application is made :

The application is made for issuance of a mandamus/direction in respect of family pension and death benefits for payment of 50% of family pension and death benefits on expiry of Late Bablu Nath on 17.6.99 to the applicant, being the deceased is the son of the applicant.

(2) Jurisdiction of the Tribunal :

The applicant declares that the subject matter in this application is within the jurisdiction of the Tribunal.

(3) Limitation :

The applicant further declares that application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

(4) Facts of the Case :

4.1. That the applicant is a citizen of India and is permanent resident of District Bongaigaon, Assam.

contd...p/3

12

( 3 )

4.2. That Sri Prafulla Kumar Nath, the husband of the applicant was an employee as Wireman Grade-II in Class-III under District Electrical Engineer, New Bongaigaon since the date of his appointment till he was declared medically unfit on 23.11.94. The applicant states that Sri Prafulla Kumar Nath was under medical treatment in 1985 and he had been under medical treatment till 1994 and the registered Doctor attending him declared on ~~23.11.94~~ 23.11.94 as unfit for service and thereafter Sri Prafulla Kumar Nath was released from service.

4.3. That the applicant states that Sri Bablu Nath, the son of applicant had applied for a service on compassionate ground before the District Electrical Engineer, N.F. Railway, New Bongaigaon on compassionate ground and the respondent accordingly advised to attend on 8.11.96 for screening Test on compassionate appointment in Group 'D' post under Memo No.E/M/223-Pt-IX dated 4.11.96.

A copy of Office Memo under reference dated 4.11.96 is annexed herewith and is marked as Annexure- A.

4.4. The applicant states that Sri Bablu Nath on being found suitable for compassionate appointment in Group 'D' post has advised to attend the office of Deputy Chief Mechanical Engineer, New Bongaigaon on or before 19.11.96 under Memo issued on 28.11.96 by Deputy Chief Mechanical Engineer, New Bongaigaon.

A copy of office memo dated 18.11.96 issued by the Deputy Chief Mechanical Engineer, New Bongaigaon is annexed herewith and is marked as Annexure- 'B'.

contd...p/4

4.5. That the applicant states that Sri Bablu Nath was discharging his duty to the best of his abilities and to the satisfaction of all concerned from the date of his appointment on ~~18.11.96~~ 19.11.96.

4.6. That the applicant states that Sri Bablu Nath expired on 17.6.99 due to certain disease leaving behind the following as heirs of Late Bablu Nath..

- i. Srimati Chandana Nath ... Wife
- ii. Miss Monalisha Nath ... Minor daughter <sup>2</sup> 3 year
- iii. Srimati Lakhi Rani Nath...Mother/Applicant.
- iv. Sri Prafulla Kumar Nath ... Father.
- v. Sri Ganesh <sup>N</sup>ath .... Brother/Major.
- vi. Srimati Minu Nath ,,, Sister/Major,Unmarried.

A copy of death certificate is annexed herewith and is marked as Annexure- 'C'.

4.7. That the applicant states that Srimati Chandana Nath the Respondent No.6 has applied for service in any grade on compassionate ground on the death of Sri Bablu Nath and Srimati Chandana Nath was accordingly appointed on 21.9.99, in Group 'D' Service under Divisional Railway Manager, N.F. Railway, New Bongaigaon and she is discharging her services to the best of her abilities and to the satisfaction of all concerned since 21.9.99.

4.8. That the applicant states that this application if<sup>~</sup> filed for herself at present she does not have any source of income for her maintenance and livelihood and on the other hand Srimati Chandana Nath is a Railway employee and she is living with her minor daughter has sufficient source of income, with monthly salary of Rs. 11,000/- per

( 5 )

month. The applicant further states that Miss Minu Nath is the unmarried daughter and this applicant is the guardian of Miss Minu Nath being father of Miss Minu Nath is a <sup>mentally</sup> ~~monthly~~ retarded person and Miss Minu Nath is living with the applicant.

4.9. That the applicant states that she filed on 15.10.99 an appeal before the District Electrical Engineer (M) N.F. Railway, New Bongaigaon stating therein that Late Bablu Nath, the deceased was living jointly and the entire joint family were dependent on the income of Late Bablu Nath. The applicant further states that on appointment of Srimati Chandana Nath and joined thereafter on 21.9.99, Srimati Chandana Nath started living separately without looking after the joint family including the present applicant. That the applicant further submits that Srimati Chandana Nath has separated herself with her minor daughter from the joint family and living with her mother and due to such inhuman activities, the applicant and other dependent members of Late Bablu Nath have been taken over into completely uncertain stage of life though the applicant is entitled to financial benefits including a portion of 50% pension of Late Bablu Nath and thereby the Respondents may be directed to pay 50% share of death benefits including family pension to the applicant herself and her unmarried daughter Miss Minu Nath and other dependents.

A copy of appeal dated 15-10-99 filed by the applicant is annexed herewith and is marked as Annexure- 'D'.

contd....p/6

( 6 )

4.10. That the applicant states that a legal notice dated 1.11.99 was issued to the District Electrical Engineer (W) ,N.F. Railway, New Bongaigaon stating therein to make arrangement for payment of 50% of family pension gratuity , provident fund etc. in favour of the applicant due to her deceased son, Bablu Nath to save the sole dependents from financial hardships and no win situations.

A copy of legal notice issued on 1.11.99 is annexed herewith and is marked as Annexure-'E'.

4.11. That the applicants states that the appeal ~~was~~ filed on 15.10.99 and legal notice ~~was~~ issued on 1.11.99 have not been disposed of till date and the respondents are silently sitting over the said appeal and notice without doing anything for grant of family pension and other service benefits in the name of the applicant.

4.12. That the applicant states that she approached several times in different occasions on 15-10-99 and thereafter every day in different times before the respondents praying for grant of service benefits and pension in favour of applicant, and the respondents have not paid the same and the appeal filed on 15.10.99 by the applicant and legal notice issued on 1.11.99 by her learned counsel have not been dispose of till date,

4.13. That the applicant states that the death benefits and family pension of Late Bablu Nath may be divided in equal between the applicant and the Respondent No.6, both the applicant with unmarried daughter each for their maintenance and livelihood, the Respondent No.6 being a Railway employee drawing Rs. 10,000/- monthly salary in ~~addition~~ addition to monthly pension has sufficient source of income.



~~xxx~~

4.14 That the applicant states that she filed an application before the competent court of law in the district of Bongaigaon praying for grant of share of Life Insurance Policy No. 430984149 in respect of Late Bablu Nath, the deceased and the Hon'ble Court upon hearing between the parties passed the order granting 1/3rd share under the above mentioned policy and the remaining 2/3rd share have gone in favour of Smti. Chandana Nath, Wife of Late Bablu Nath, deceased and accordingly the maturity amount of aforementioned policy has been distributed between the applicant and the respondent No.6 in the light of the order of the Hon'ble Court.

A copy of communication dated 20.9.2000 issued by the Senior Branch Manager of LIC of India, Bongaigaon Branch is annexed herewith and is marked as Annexure-'F'.

4.15. That the applicant states that she has approached the Hon'ble Central Administrative Tribunal, Guwahati Bench vide O.A. No. 113/2000 praying for grant of equal share of death benefits and family pension of Late Bablu Nath between the applicant and the Respondent No.6 and the Hon'ble Tribunal upon hearing the parties disposed of the Original Application on 25.4.2000 with a direction to the Railway Authority to dispose of the representation dated 15.10.99 submitted by the applicant which is pending before them and the said application has not been disposed of since then till date.

A copy of order dated 25.4.2000 passed in O.A. No. 113/2000 by the Hon'ble CAT is annexed herewith as Annexure- 'G'.

4.16. That the applicant states that she filed a fresh representation on 2.5.2000 alongwith the order dated 25.4.2000 passed by the Hon'ble Tribunal before the Railway Authority praying for payment of 50% share of family pension and 50% share of other service benefits of Late Bablu Nath, the deceased and inspiteof submission alongwith order dated 25.4.2000, the Railway Authority has not disposed of the application dated 2.5.2000 till date. This applicant has no alternative remedy available to her but to approach this Hon'ble Tribunal seeking appropriate relief for payment of 50% share of family pension and service benefits of Late Bablu Nath, the ~~de~~ deceased. The applicant further states that the pension and other service benefits have already been released by the Railway Authority since the date of death of Late Bablu Nath till date and therefore this Hon'ble Tribunal may be pleased to direct the Railway Authority including the Respondent No. 6 for arrears payment of 50% pension and service benefits of Late Bablu Nath, the deceased to this applicant and direction may please be issued to the Railway Authority for further 50% payment of family pension and other service benefits entitled to the applicant.

5. Grounds for relief with Legal Provisions

(i) For that the applicant is entitled to equal share i.e. 50% of death benefits and family pension of Late Bablu Nath the deceased being Late Bablu Nath was the son of the applicant.

(ii) For that the service benefits of Late Bablu Nath is to be paid to the applicant as she does not have source of income and she is not looked after ~~any~~ her daughter -in-law Srimati Chandana Nath, the Respondent No.6 and the applicant is entitled for death benefits and family pension as per the Railway service ( Pension) Rules 1993.

(iii) For that the respondents should not pay ~~the~~ all death benefits and family pension to the Respondent No.6 being this applicant was fully dependent on Late Bablu Nath and the applicant does not have source of income.

(iv) For that the respondents should have considered favourably the appeal filed on 15.10.99 before the Respondents by this applicant.

v) For that the respondents should have considered and complied the order dated 25.4.2000 in O.A. No.113/2000 passed by this Hon'ble Tribunal and representation dated 2.5.2000 filed by the applicant .

vi) For that it is a fit case within the jurisdiction of this Hon'ble Tribunal to interfere the matter for payment of death benefits and family pension of Late Bablu Nath, under the provisions of Railway Services ( Pension) Rules , 1993.

vii) For that the respondents could not cite any addition and just reason for their arbitrary action in denying the claim of the applicant.

viii) For that the respondents have not considered the adverse effect of the applicant for non-payment of death benefits and family pension to the applicant.

ix) For that the Respondents, should make equal share i.e. 50% of death benefits and family pension under the Railway Service ( Pension) Rules, 1993 between the applicant and the Respondent No.6.

6. Details of Remedies exhausted

That the applicant states that she has no other alternative and efficacious remedy than to file this application. Representation through proper channel were submitted by the applicant on 15.10.99 and 1.11.99 to the respondents and subsequently the applicant approached several times in different occasions for disposal of the appeal and legal notice and the same have not been disposed of till date. Further the applicant submitted a copy of order dated 25.4.2000 alongwith a fresh representation dated 2.5.2000 before the respondents praying for payment of 50% of family pension and service benefits and the same have not been disposed off till date.

7. Matters not previously filed or pending with.

The applicant states that she filed an application previously before this Hon'ble Tribunal and the same was disposed of on 25.4.2000 and thereafter no application is filed till date in any Tribunal or Hon'ble Court.

8. Relief sought :

In view of the facts and circumstances stated in paragraph 4 above, the applicant prays for the following reliefs:-

Øi) A declaration that the applicant is entitled to equal share i.e. 50% share of death benefits and family pension of Late Bablu Nath who was a Group 'D' employee of

N.F. Railway.

- (ii) A direction to the Respondents to extend the death benefit and family pension with equal proportion between the applicant and the Respondent No.6.
- (iii) A direction to the Respondents including the Respondent No. 6 to pay arrears of pension and other service benefits in equal share.
- (iv) Cost of the applicant.
- (v) Any other relief or reliefs to which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed

Pending disposal of this application, an observation be made that 50% of death benefit and family pension be granted to this applicant and 50% to Srimati Chandana Nath, the Respondent No.6 more so, in view of the Section 19(4) of the Administrative Tribunal Act. The applicant also prays that the instant application be disposed of expeditiously.

10. Particulars of the I.P.O.

- (i) I.P.O. No. :- 11 6 387471
- (ii) Date :- 29. 12. 2003
- (iii) Payable Amount:- Rs 50/-

11. List of Enclosures :

- (i) Index
- (ii) Application
- (iii) Annexures- A,B,C,D,E,F, & G.
- (iv) I.P.O.
- (v) Vakalatnama

Verification...

( 12 )

VERIFICATION

I, Srimati Lakhi Rani Nath, aged about 53 years, Wife of Sri Prafulla Kumar Nath, resident of New Colony, Kalibari under Post Office, Police Station and District : Bongaigaon, Assam do hereby verify that the statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I am not suppressed any material fact.

And I sign this Verification on this the 20<sup>th</sup> day of December 2003 at Guwahati.

*Sd/ L.T.1 of Smt. Lakhi Rani Nath*  
Signature

Annexure - A

13

12-12-96

N.E. Railway.

Office of the  
Dy. Chief Mechl. Engineer,  
New Bongaigaon.

Dt/- 4-11-96.

No. BAW/223-Pt. IX

To  
Mr. Prabhu Nath  
S/o Mr. Prafulla Kr Nath Ex W/Man/Secy  
New Colony (Kalibari)  
Post. & Dist - Bongaigaon  
Pin-783380 (Assam)

:- Screening Test for compassionate appointment in  
Gr-'D' post in scale Rs.750-940/- (RP).

Date of screening test for your compassionate appointment in Gr-'D'  
post in scale Rs.750-940/- (RP) is fixed on 8-11-96 at 10.00hrs.

You are, therefore, advised to attend this office on the stipulated  
date and time for the above test.

You should bring with you the following documents in original for  
verification.

1. Death certificate/Medical unfit certificate of the  
Ex-Employee.
2. Educational certificate
3. Age proof
4. Caste certificate
5. Affidavit.

*[Signature]* 4/11/96

for Dy. CME (C&W)/NB QS.

Attested by  
*[Signature]*  
29/12/03  
Advocate

*[Signature]*

*[Signature]*  
12/11/96  
Sr. Secy

N. E. Railway Bongaigaon

14

24

E. Railway

On 1st of the  
Dy. Chl. Mechl. Engineer,  
H. B. : : : : :  
18-11-96

18/11/96

To: Sri. M. L. M. M. M.  
S/o Sri. M. L. M. M. M.  
QX R/M. M. M. M. M. M.

Medical Examination for initial appointment in Gr. 'D' post on compassionate ground

On being found suitable for compassionate appointment in Gr. 'D' posts in scale Rs. 750-910/- (RS), you are hereby advised to attend this office on or before 19-11-96 for your medical examination for initial appointment in the Railway.

You should bring with you the following documents.

1. Death/Medically unfit certificate of the Ex. employee
2. Educational & age proof certificate
3. Caste certificate
4. Two character certificates from the two responsible men (Gazetted Officer)

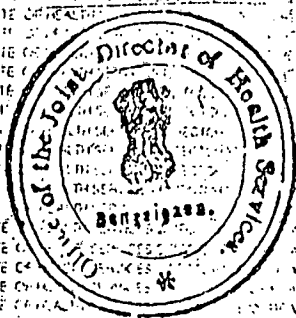
S. S. S.  
for Dy. CME (C&W) / M. S.  
18/11/96

Attested by  
S. S. S.  
29/12/03  
Advocate



Form No. 10

Sl. No. 1669



GOVERNMENT OF ASSAM  
(অসম চৰকাৰ)  
DIRECTORATE OF HEALTH SERVICES  
(স্বাস্থ্য সেৱা, সঞ্চালিকা)

CERTIFICATE OF DEATH  
(মৃত্যুৰ প্ৰমাণ পত্ৰ)

ISSUED UNDER SECTION 12 of the Registration of Births and Deaths Act, 1969  
ISSUED UNDER SECTION 17

(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন, ১৯৬৯ ৰ ১২/১৭ অংশত নিৰ্ধাৰিত)

This is to Certify that the following information has been taken from the original record of Death which is in the register for Death/79...  
Registration unit of 76 of District Bongaigaon of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ জিলাৰ বঙাইগাঁও/পৌৰসভাৰ যৌদ্ধাৰ অন্তৰ্গত পঞ্জীয়ন, গেটৰ পঞ্জীয়ন মূল অভিলেখৰ পৰা সংগৃহীত কৰা হৈছে।

Name/নাম : Bablu Nath Nationality/জাতি : Indian  
Sex/লিংগ : Male Permanent Address/স্থায়ী ঠিকনা : ১০৮৭ ২৩ ৭৭

Date of Death/মৃত্যুৰ তাৰিখ : 17.6.79 Registration No./পঞ্জীয়ন নং : 23.6.79  
Place of Death/মৃত্যুৰ স্থান : Kalibari Date of Registration/পঞ্জীয়নৰ তাৰিখ : 23.6.79

Name of Father/Mother/Husband/পিতৃ/মাতৃ/স্বামীৰ নাম : Pratul Nath Permanent Residential Address/পিতৃ/মাতৃৰ স্থায়ী ঠিকনা : New Colony, Kalibari, Bongaigaon

Signature of issuing authority/অনুমোদন কৰাৰ স্বাক্ষৰ : Chief Registrar/মুখ্য পঞ্জীয়ক  
Designation/পদবী : Date/তাৰিখ : ২০.৬.৭৯

Attested by  
29/12/03  
Advocate

(16 )

ANNEXURE - 'D'

15-10-99

To

The Dist. Electrical Engineer(W),  
N.F.Rly., New Bongaigaon.

Sub : An earnest and piteously appeal for rendering financial assistance for the preservation of existence of my invalid husband, sons and daughters.

Sir,

Respectfully, I the wife of a invalid Rly-men and unfortunate mother of a deceased railway employee beg to submit this appeal before your honour for the favour of sympathetic consideration and favourable action.

That Sir, my husband Shri Prafulla Kr. Nath was working under your kind control in T.L.Shop/NBQS/N.F.Rly. It was due to his mentally disbalance he was medically incapacitated and consequently my son Bablu Nath was appointed as Khalasi under SE.EF./P/NEQ/N.F.Rly. on 14-12-96 on compassionate ground. But it is a most misfortunate matter for me as well as his invalid father that my this serving and dependable son (Bablu Nath, deceased) expired on 17.6.99.

It is stated that since the appointment of my deceased son (Bablu Nath) was living with us jointly with his wife Smt. Chandana Nath and my deceased son (Bablu Nath) was solely maintaining all the liabilities of our joint family.

Subsequently to the death of my son( Bablu Nath) his wife i.e. my daughter-in-law ~~Smt.~~ Chandana Nath has been favoured with the employment in Group 'D' category on compassionate ground and joined in the service on 21.9.99 and working under your control in GER Shop/NBQ.

Now I am sorry to state that suddenly and unexpectedly my daughter-in-law Mrs. Chandana Nath has separated herself from us and living with her parents. Due to such inhuman activities of my daughter-in-law we have been thrown in completely uncertain

contd....p/17

Attested by  
D. Man  
29/12/03  
Advocate

27X

( 17 )

state of life and all of our hopes of the existence have been destroyed as because all financial benefit of my deceased son Bablu Nath will be availed unilaterally by her though morally and humanly we the unfortunate mother and father of my deceased has major rights or the matter of settlement dues and other financial payment to be given by the railway authority due to the petitioner's son (Bablu Nath).

In consideration of the above circumstances, I beg to ~~pay~~ pray that you will kindly consider my appeal for humanitarian ground and take some suitable measures by which we can be safeguarded from impending rain.

Yours faithfully,

R.T.I. of Smt. Lakshmi Nath  
w/o Shri Prafulla Kr. Nath, Ex-M/Man  
( Medically invalid) working under SEE/TL,  
She is mother of deceased son Late Bablu  
Nath, Ex-M/Man under SSE/P/NBQ

Dated,  
NBQ the 15th Oct. '99.

Attested by  
R. Man  
29/12/03  
Adv.

( 18 )

Annexure - E

1-11-99

Sri Dilip Kumar Das,  
B.A. (Hons) M.A. LL.B., (Advocate )

Phone No. 20558  
Residence: M.M. Singha Road  
Barpeta, Bongaigaon  
P.O. & Dist. Bongaigaon

LEGAL NOTICE

To

The District Electrical Engineer(E),  
N.F. Railways,  
P.O.: New Bongaigaon  
Dist. Bongaigaon, Assam.

Dear Sir,

Under the instructions from my Client, Smt. Lakshmi Nath, wife of Sri Prafulla Kumar Nath, resident of Kalibari, New Colony, P.O. & P.S. : Bongaigaon, Dist. Bongaigaon, Assam, I hereby give you this notice and states as follows :-

1. That, my client's son late Bablu Nath was appointed as an employee as Khalasi under SC.EF/P/NBQ/N.F.Rly. on 14.12.96 at New Bongaigaon on compassionate ground on account of retirement of my client's husband who was mentally imbalanced and incapacitated who worked at T. & L. Shop/NBQ/N.F.Rly.
2. That, Late Bablu Nath, on being appointed as Khalasi who used to look after and maintaining them, namely, his mother, unmarried sister, Smt. Minu Nath and his imbalanced and incapacitated father. Subsequently, after his appointment, Bablu Nath married Smt. Chandana Nath.
3. That, unfortunately my client's said son, Bablu Nath died on 17-6-99 due to his illness leaving my client and others as dependents and legal heirs.

contd...p/19

Attested by  
R. Kumar  
29/12/03  
Adv.

4. That, after the death of my client's son, Bablu Nath on 17.6.99 Smt. S Chandana Nath, wife of Late Bablu Nath and daughter-in-law was appointed as a compassionate ground on 21.9.99 in Group D category in CR Shop/NBQ.

5. That, after getting appointment by Smt. Chandana Nath, the daughter-in-law left and separated herself from her mother-in-law's house, father -in-law and unmarried daughter in a distressed conditions causing great financial hardships and starvation.

6. That, my client, Smt. Lakshmi Nath, mother-in-law and dependent and legal heir inclusive of his unmarried sister and mentally imbalanced and incapacitated father are legally entitled to the family pension, gratuity, P.F., G.I. Group Insurance, Bonus, arrears etc. due to his death.

7. That, on the death of her son, Bablu Nath, her daughter-in-law was appointed in the Group D category as compassionate ground so as to maintain the members dependents. But, unfortunately, the said daughter-in-law, Smt. Chandana Nath of my client left the house of my client and separated herself and started living with her father's house, leaving my client, mother-in-law, unmarried daughter and father-in-law in a distressed conditions and financial hardships having no independent source of income.

As such, my client's daughter-in-law, Smt. Chandana Nath is not at all legally entitled to get any benefits of pension, gratuity, P.F. etc., due to my client's son, Bablu Nath.

contd....p/20

Attested by  
29/12/05  
Adv.

( 20 )

Under the circumstances stated above, I hereby give you this notice to make arrangement for payment of family pension, gratuit , P.F. etc. in favour of my client, Smt. Lakshmi Nath due to her deceased son, Bablu Nath to save the sole dependents from financial hardship and starvation and request you to expedite settlement of the matter as early as possible, failing which my client will be compelled to take legal action in the Competent Court of law.

Thanking you,

Yours faithfully,

Sd/- Dilip Kumar Das  
Advocate

Attested by  
Raman  
29/12/03  
Adv.



ভাৰতীয় জীৱন বীমা নিগম  
भारतीय जीवन बीमा निगम  
Life Insurance Corporation of India

বঙাইগাঁও শাখা কাৰ্যালয়

বাণী ভৱন, মূখ্য পথ

ডাকঘৰ : বঙাইগাঁও ৭৮৩৩৮০

জিলা : বঙাইগাঁও (অসম)

ফোন : ২০৪৪২, ২০৬৫৭

২১০২৬

তাৰ : বীমাশাখা

বংগাইগাঁও শাখা কাৰ্যালয়

রানা ভৱন, মূল ৰোড

ব্রা: কা: বংগাইগাঁও-৭৮৩৩৮০

জিলা: বংগাইগাঁও (অসম)

ফোন: ২০৪৪২, ২০৬৫৭

২১০২৬

তাৰ : বীমাশাখা

Bongaigaon Branch Office

Rana Bhawan, Main Road

Po Bongaigaon-783 380

Dist : Bongaigaon (Assam)

Phone: 20449, 20657, 21026

Gram : Bimasakha

BBO/DEF/Rival:

Smt. Lakshi Nath,  
Kalibare New Colony,  
Bongaigaon,  
P.O. & Dist. Bongaigaon (Assam)

Date: 20-09-2000

REC'D

Madam,

Re: DEF. Policy No. 30084149 - B. Nath (Deceased)

In connection with the above, we are to inform you that as per order of the Honble Court you have been granted one third share under the above Policy and the remaining two third share has gone in favour of Smt. Chandana Nath, wife of B. Nath (Deceased).

We also enclose herewith necessary form of DV, in Form No. 5001 for your execution and send us the same within seven days on receipt of this letter, otherwise we will have no other alternative but to proceed further in considering the above claim.

Awaiting your early compliance,

Encl: DV.

Yours faithfully,

Attested by  
29/12/03  
Adv.

✓

# Life Insurance Corporation of India

Form No. 3801  
(Revised)

(Established by the Life Insurance Corporation Act. 1956)  
**BONGAIGAON DIVISIONAL OFFICE**

Discharge of Death Claim under policy No. 480984149 Dated.....  
On the life of Shri /Smt. Bablu Nath (Died)  
I/ We.....

the nominee (s) /assignee(s)/legal representative (s) of the above named life assured, by the virtue of the nomination/assignment/legal evidence of title dated ..... granted to me/us by the ..... do hereby acknowledge receipt from the Life Insurance Corporation of India of the sum of Rupees( in words) ..... including the amount of Bonus, in full and final satisfaction and discharge of all my /our claims and demands, under the above mentioned policy on the life of the above mentioned person who died on ..... and which policy is hereby delivered up to the said Corporation to be cancelled.

Sum Assured /Paid-up value	.....	Rs.....
Bonus allotted	.....	Rs.....
Interim Bonus	.....	Rs.....
Final (Addl.) Bonus	.....	Rs.....

Difference of premiums on account of  
overstatement of age Refund of A.B./Occupation extra Rs.....  
LESS:

Unpaid instalments of		
Premiums due in the		
Policy year of death	Rs.....	
Late fee	Rs.....	
Gap premiums due	Rs.....	
X-charges	Rs.....	
Others	Rs.....	
Loan	Rs.....	
Interest on Loan	Rs.....	
Amount recoverable	Rs.....	
on account of		
Understatement of age	Rs.....	Rs.....
Net Claim Amount		Rs.....

Dated at ..... this ..... day of ..... 200

Signed by Shri /Smt.....  
in the presence of ★  
Signature of witness .....

One Rupee  
Revenue Stamp  
to be affixed if  
the gross amount  
exceeds Rs. 500/-

Full Name..... Signature (s) of the claimant (s) in full  
Designation ..... In case of Female, Please state:  
Address..... Wife of:  
..... Daughter of:

★ N.B. - Please go through the instructions printed overleaf.

## NOTE;

- 1: Payment Will be made by a cross and order if payment is desired by M.O or a demand drafts, it can be made at the claimant's cost and at his/her risk and responsibility on his/ her signing of the following note of request.  
I/We hereby request the Corporation to pay the aforesaid amount by M.O./Demand Draft on the ..... Bank at my /our risk and responsibility. I/ We further agree to the M.O. Commission /Bank charges being deducted from the claim amount.

Account No.....  
Name of Bank .....  
Place of Bank.....

Signature's of Claimant's

Attested by  
Dina  
29/12/03  
Adv.



23

22-1-

\*2. This form must be completed before (1) an advocate (2) an agent of the Corporation (Who is member of the club at the level of Divisional Manager and above), (3) a Bank Manager (4) a Block Development Officer, (5) a Commissioner of oaths, (6) a Doctor, (7) a Gazetted officer, (8) a Head Master of a High School, (9) A Postmaster or Departmental Sub post Master (but not a Branch Postmaster), (10) A Magistrate (11) an Officer or Superintendent or Development Officer (who has served at least for 5 years as Development officer) of the Corporation, or (12) President of a village panchayat or local Board.

3. If more than one person have signed the discharge form the name of all the persons should be stated.

4. A female when signing must add her father's as well as her husband's name after her own describing herself as daughter of Shri..... wife/widow of Shri.....

5. "In case the claimant affixes thumb impression or if this form is signed by more than one person and payment is desired to be made to only one of them as per the following Note of Authority completed and by all of them, the thumb impression or the signature on the Note of Authority must be attested by an agent of the Corpn. (who is a member of the club at the level of Divisional Manager and above), a Block Development officer, a Gazetted officer, a Magistrate, or an officer of Development officer (with at least 5 years service as Development officer) of L.I.C Principal Head Master of a College/H.S./H.E. School run by the Govt. or by an Agent/Branch Manager of a Nationalised Bank after affixing an official Rubber stamp Where thumb marks are affixed the attesting official must make the following declaration under his signature :

Shri/Smt.....son/daughter of

Shri.....and wife/widow

Shri.....his affixed his/her thumb marks  
marks in my presence after understanding the contents thereof."

Full Name.....

Designation.....

Address.....

Date.....

I/We hereby authorise and request the Life Insurance Corporation of India to pay the within mentioned of Rupees..... to.....

Signed by the party or parties within mentioned in the presence of person as per Note No.5.

Signature.....

Name.....

Designation.....

Address.....

(Signature in full of claimants)

I certify that contents of this Note of Authority were explained by me to Shri Smt..... and he/she/they have agreed to payment being made to Shri/Smt..... authorised party.

(Signature of witness)

Unique printers

Attested by  
29/12/03  
Adv.

In The Central Administrative Tribunal  
GUWAHATI BENCH : GUWAHATI


ORDER SHEET  
APPLICATION NO. 113/2000 OF 199

Applicant(s) Smt. Lanki Rani Nath

Respondent(s) Union of Indu and ors

Advocate for Applicant(s) Mr. R. Sharma

Advocate for Respondent(s) Rly. Advocate.

Notes of the Registry	Date	Order of the Tribunal
  Certified to be true Copy সত্যপিত প্রতিলিপি  Deputy Registrar (G) Central Administrative Tribunal Guwahati Bench  21/12/00 N. F. RLY. Office of the District Electrical Engineer (W) Bongalgaon during his life time and after his death, the wife	25.4.00	<p>This application has been submitted by the applicant praying for a direction that she is entitled to equal share of death benefits and family pension of late Bablu Nath, a Railway employee with Respondent No.6, Smt Chandana Nath.</p> <p>After hearing the counsel for both sides, I dispose of this original application with a direction to the competent authority of the respondents to dispose of the representation dated 15.10.99 submitted by the applicant which is pending before them. The applicant may also furnish a fresh representation before the respondents giving further details as submitted by her before this Tribunal within one month from today. The respondents shall consider the representations of the applicant and issue a speaking order within two months from the date of receipt of the fresh representation. The applicant is at liberty to approach this Tribunal if she is still aggrieved with the order of the respondents.</p> <p>Application is disposed of. No order as to costs.</p> <p>Sd/- Member (A)</p>

contd.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH:

GUWAHATI

OA 300/03

Central Administrative Tribunal

1.1MAR2004

Guwahati Bench

Smt. Lakhi Rani Nath  
-vs- Applicant

Union of India & others  
Respondents

Filed by

35  
Chandana Nath  
Filed through  
Sahayam Bhuyan  
11/3/04 (Advocate)

O.A.No.300/2003

In the matter of :-

A written statement under section  
of the Administrative Tribunal Act, 1985

- A N D -

In the matter of :-

Smt.Chandana Nath  
W/O Late Bablu Nath  
R/O South Daligaon,  
P.O.New Bongaigaon,P.S.Daligaon,  
Dist-Bongaigaon,

...Respondent No.6.

The written statement of Smt.Chandana Nath/Respondent No.6  
most respectfully begs to state as follows :-

1. That the Respondent No.6 is the law abiding citizen of India and a permanent resident of aforesaid locality.
2. That the Late Bablu Nath was the legitimate husband of the Respondent No.6 who was a grade IV employee in the N.F.Railway under District Electrical Engineer.N.F.Railway,New Bongaigaon on compassionate ground and he had been serving in the concerned office as group 'D' post till 17-6-99 from the date of his appointment on 19-11-96.

contd.....2p/-

Chandana Nath.

3. That the Respondent No.6 states that her husband Lt.Bablu Nath expired due to sudden attack of discese on 17-6-99, but she denies the legal heirs as stated in the application, despite he left the following legal heirs at the time of his death.

<u>Sl.No.</u>	<u>Name</u>	<u>Age</u>	<u>Relation</u>
1.	Smti Chandana Nath	25 years	wife,
2.	Miss Monalisa Nath	1 years,	daughter
3.	Smti Lakhi Rani Nath	-	Mother
4.	Sri Prafulla Kr.Nath		Father
5.	Sri Ganesh Nath		Major Brother

~~A copy of death certificate of Late Bablu Nath is annexed herewith as Annexure 'A'.~~

4. That the parents of the deceased are getting the pension money of Rs.5,000/- (Rupees five thousand ) only per month soon after the discharge of Sri Prafulla Kumar Nath and the major brother of the deceased has been running a bag shop and hence they sufficiently able to maintain themselves.

5. That soon after the death of Late Bablu Nath the respondent No.6 was treated unhumanly with cruelty by her parents in laws and consequently she was driven away from her parents in law's house along with her small child of 2 years.

6. That at the merge of inability the Respondent No.6 tired her best to get the service of her deceased husband on the compenssionate ground and is drawing a salary of Rs.4411.00 (Rupees four thousand four hundred and eleven) only per month out of which she is hardly maintaining herself and her minor daughter who

contd...3p/-

-27-

/3/

who is now reading class K.G.B at Kinder Garten School, New Bongaigaon along with two maid girls to look after the child.

Chandana Nath.

A copy of drawn salary is annexed herewith as

Annexure B R-1

7. That the several communication of the applicant to the Respondent No.6 is categorically denied on the fact that she had never got any notice and appeal from the applicant.
8. That the applicant has stated that the Respondent No.6 is not looking after the joint family is also denied on the fact that the Respondent No.6 Smt Chandana Nath was driven away by her parents in laws from her late husband's house soon after the death of her husband and since then she had hardly living by bread and butter.
9. That the applicant has stated that she has an unmarried mentally retarded daughter living with her is quite false and fabricated on the fact that the daughter of the applicant Miss Minu Nath has already been died for about two years.
10. That the Respondent No.6 subsequently intends to submit that the applicant is maintaining herself along with her own family in a better way than the respondent No.6 with a large amount of pension money and other family benefits got from the retirement of Sri Prafulla Kumar Nath due to his medically unfitness to retain his service in the N.F.Railway, Bongaigaon.

contd....4p/-

/4/

In view of the above grounds and circumstances, the Respondent No.6 prays that the Honourable Tribunal would be pleased to consider the plight of the Respondent No.6 and not to pass any such order directing ~~her~~<sup>to</sup> share the small amount of salary that she is getting, further she prays that the Honourable court should direct the Applicant to look after her own daughter in law and her grand daughter Miss Monalisa Nath.

And for this act of kindness<sup>of</sup> the Honourable Tribunal, the Respondent No.6 as in duty bound shall ever pray.

VERIFICATION

I, Smti Chandana Nath, wife of Late Bablu Nath, aged about 29 years, an inhabitant of South Baligaon, P.O. New Bongaigaon under Police station Daligaon in the district of Bongaigaon, Assam do hereby verify that the statements made above in paragraphs 1 to 11 are true to the best of my knowledge and belief and records.

And I sign this verification on this the 11th day of March, 2004 at Guwahati.

Chandana Nath.

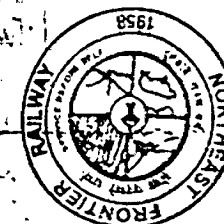
*Annexure R1*

N. E. RAILWAY UNIT 07 18 GERS \* PAY BILL FOR NOVEMBER 2003 \* 1. DUE DEDUCTIONS CONTD 1. DUE DEPT. ELECTRIC GRL N3 80

CHANDANA NATH 0178	BASIC PAY	2910.00	PF	243.00	GROSS PAY *	4884.00
	DA	1717.00	PROF TAX	65.00		
DESSA* HELPER/I	HRA	142.00	GIS	15.00	TGT DEDNS*	473.00
PEND #02035595-NC	CONVEY ALL	75.00	D.P. ADVANCE	150.00		
	SCA	40.00			NET PAY *	4411.00
DUTY 30 DAY 0.0 HOURS						
LEAVE 0 DAY 0.0 HOURS						

LAP LHAP	LAP ABS	LND
CR 015 010		
CR		
DE		
CR 015 010		

B/F GRS: \$5,36,488.00 B/F DED: \$1,72,688.00 B/F NET: \$3,63,792.00



*Identified by*  
*15/11/04*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O.A.NO.300/2003

L.R.NATH  
-VS-  
U.O.I & Ors.

Written statement on behalf of the Respondent Nos.1,2,3,4,&5.

1. That the respondents have gone through the O.A and understood the contents thereof.
2. That in reply to statements in paras 4.1 to 4.6 respondents state that Sri Prafulla Kr. Nath was declared medically unfit with effect from 23.11.94 and released from service and his son Bablu Nath was appointed in group D post on compassionate ground w.e.f 14.12.96 as per instruction in Railway Board's circulation NO.E(NG)-11/99/RCI/GEN/19 dated 22.8.2000, the object of such compassionate appointment is to relieve the dependant family members from financial distress and it is incumbent on the part of the person appointed on compassionate ground to look after the other family members who were wholly dependent on the ex-employee for their sustenance. So, Sri prafulla Kr. Nath, Smt.L.R.Nath, Smt.Minu Nath, unmarried daughter of Sri Prafulla Kr Nath and sister of Bablu Nath became dependants of Bablu Nath. Sri Ganesh Nath, brother of Bablu Nath is major. Sri Bablu Nath expired on 17.6.99. Smt Chandana Nath(wife) and Monalisha Nath (daughter) are the dependents of the deceased employee Bablu Nath and for this Smt. Chandana Nath, his wife(widow), was appointed on compassionate ground.

Copy of the Railway Board's circular dated 22.8.2000  
is enclosed as Anneture-1.

(Contd.....2)

20  
✓  
16/12  
Filed by the  
respondents through  
Dr. (Sd/-) P. K. Nath, Jm. Secy, C.A.T. Guwahati Bench



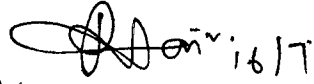
3. That in reply to statement in paras 4.7. to 4.16, it is stated that as per Railway Board's letter No.F(E)/III/98/PNI/4 dtd 27/04/1998 circulated under CPO/MLG's letter NO.FS/864 dtd 03.07.1998 parents will get the FS benefits who were wholly dependent on the Govt, Servant when he/she was alive provided that the deceased employee had left behind neither a widow nor a child.

Copy of the Rly Bd's letter dts 27.4.98 circulated under CPO/MLG's letter dtd 3.7.98 is enclosed as Annexure-II

4. That in the facts and circumstances of the case, the application deserves to be dismissed.

VERIFICATION

I R. AAIVU working as Dy. CPO / HQ N.F.Railway/  
MLG hereby verify that the statements made in paragraphs 1 to 4 are true to my knowledge.

  
Dy. CPO / HQ

792  
10-8-98

FS - 864  
E/207/0 P. XX (C)

FS  
10/7/98

Maligaon, dated: 25-06-98.

Annexure-I

42

3-7-

To  
All HODs,  
All DDMs,  
All DAOs, WAOs/NBQ and DBWS,  
All Controlling Officers of the  
non-divisionalised offices,  
N.F. Railway.

The General Secretary, N.F. Ry. Employees' Union, Pandu.  
The General Secretary, N.F. Ry. Mazdoor Union, Pandu.  
The General Secretary, AISTREA/MLG.

Sub: Recommendations of 5th Central Pay  
Commission - Grant of Family Pension  
to parents, son and daughters.

A copy of Railway Board's letter No. F (E) III/98/  
PN1/4 dated 27-4-98 on the above subject is forwarded for  
information and necessary action. Board's earlier letter  
No. F (E) III/97/PN1/22 dated 5-11-97 and F (E) III/85/PN1/  
19 dated 14-5-93 as referred to in their present letter  
were circulated under CPO/PNO's No. FS - 848/E/207/0 PXX(C)  
dated 10-11-97 and FS - 807/E/207/0 XVIII (C) dt. 8/15-6-93  
respectively.

DA: as above.

for CHIEF PERSONNEL OFFICER.

Sub: Recommendations of 5th Central Pay  
Commission - grant of Family Pension  
to Parents, sons and daughters.

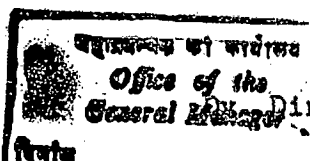
....

A copy of Department of Pension & Pensioners'  
Welfare's O.M. No. 45/51/97-P&PW(E) dt. 5.3.1998 is  
circulated for information and guidance. These  
instructions shall apply, mutatis mutandis, for grant  
of family pension to parents, sons and daughters of  
deceased Railway servants.

2. DOP&PW's Resolution No. 45/86/97-P&PW(A)  
dt. 30.9.97 referred to in the enclosed O.M. dt.  
5.3.1998 was published in 'The Gazette of India'  
Extraordinary, Part-I, Section-I dt. 30.9.97.  
DOP&PW's O.M. No. 45/86/97-P&PW(A)-Part I dt. 27.10.97  
and O.M. No. 1(26) P&PW/90-(E) dt. 18.1.1993 referred  
to therein were circulated on the Railways vide  
Board's letters No. F(E) III/97/PN1/22 dt. 5.11.97  
and F(E) III/85/PN1/19 dt. 14.5.1993 respectively.

3. Please acknowledge receipt.

DA: As above.



(S. SREERAM)  
Director Finance (Estt.) III.,  
Railway Board.

— 4 —

13

1

No. 45/51/97-P&PW(E)

Government of India

Ministry of Personnel, Public Grievances & Pensions  
Department of Pension & Pensioners Welfare

3rd Floor, Lok Nayak Bhavan,  
Khan Market, New Delhi 110 003  
Dated: 5th March, 1998

OFFICE MEMORANDUM

Sub.: Recommendation of 5th Central Pay Commission- Grant  
of Family Pension to Parents, sons and daughters.

\*\*\*\*\*

The undersigned is directed to refer to this Department Resolution No. 45/86/97-P&PW(A) dated 30th Sept. 97 and items (a&b) of para 7.2 of this Department OM No. 45/86/97-P&PW(A)-Part-I dated 27th October, 97 vide which it has been stated that the definition of family for the purpose of family pension shall also include (i) parents who were wholly dependent on the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child and (ii) widowed/divorced daughter in respect of whom dependency/income criterion will be clarified separately.

2. It has since been decided by the Government that the income criteria in respect of parents and widowed/divorced daughters will be that their earning is not more than Rs.2550/- per month. The parents will get family pension at 30% of basic pay of the deceased employee subject to a minimum of Rs.1275/- per month. They also will have to produce an annual certificate to the effect that their earning is not more than Rs.2550/- per month. Further the family pension to the widowed/divorced daughters will be admissible till they attain the age of 25 years or upto the date of her re-marriage whichever is earlier.

3. It has also been decided by the Government on the basis of the recommendations of the Vth Central Pay Commission and in partial modification of this Department OM No. 1(26)-P&PW/90-(E) dated 18.01.1993 that the family pension in respect of sons/daughters (including widowed/divorced daughter) will be admissible subject to the condition that the payment should be discontinued/not admissible when the eligible son/daughter starts earning a sum of Rs. 2550/- per month from employment in Government, the private sector, self employment, etc. It is further clarified that the family pension to the sons/daughters will be admissible till he/she attains 25 years of age or upto the date of his/her marriage/re-marriage whichever is earlier. There is, however, no change in the provisions about admissibility of family pension in respect of sons/daughters suffering from any disorder or disability of mind or who is physically crippled or disabled as mentioned in the OM dated 18.01.1993.

4. Admissibility of family pension to parents and widowed/divorced daughter will be effective from 1.1.1998 subject to fulfilment of other usual conditions. The cases where family pension has already been granted to sons/daughters after 1.1.1998 before issue/implementation of this OM without imposition of earning condition need not be reopened.

5. These orders issue with the approval of Ministry of Finance, Department of Expenditure vide their U.O. No. 53/EV/98 dated 29.01.1998.

6. In their application to the employees of the Indian Audit and Accounts Department, these orders issue in consultation with Comptroller and Auditor General of India.

7. Ministry of Agriculture etc. are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Account Officers and Attached and Subordinate Offices under them on a top priority basis.

( S. LAKSHMINARAYANAN )  
Additional Secretary (Pension)

To, All Ministries/Departments of Government of India.

F.No. 45/51/97-P&PW(E) dated 5 March, 1998.

Copy forwarded to:

- (i) Office of the C&AG, Bahadur Shah Zafar Marg, New Delhi with 200 spare copies.
- (ii) Office of the Controller General of Accounts, Lok Nayak Bhavan, New Delhi 10 copies.
- (iii) Ministry of Railways (Railway Board) 20 copies.
- (iv) Ministry of Defence 10 copies.

\*\*\*\*\*

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

Office of the  
General Manager.

RBE No 153.

SC No. 44 to MC No. 16

दिनांक 30 AUG 2000

New Delhi, dt. 22.08.2000

No. E(NG)-II/99/RC-1/Genl./19 Date

पू. सी. रेल्वे, मासिगि, गुवाहाटी-११  
N. F. Railway  
Maligaon, Guwahati-11

The General Manager,  
All Zonal Railways/Production Units.

Sub:- Appointments on compassionate ground -- termination of service.

The object of the scheme of providing appointment on compassionate grounds to an eligible dependent family member of a Railway employee, who dies in harness or is retired on being totally medically incapacitated, is to relieve the dependent family members from financial distress caused by the death.

It is, therefore, incumbent on the part of a person appointed on compassionate grounds to look after the other family members who were wholly dependent on the ex-employee for their sustenance.

Cases have come to the notice of the Board where a ward of an ex-Railway employee, appointed on compassionate ground, had discontinued looking after the widowed mother and the other dependent brothers/sisters. It has, therefore, been decided that any person being considered for appointment on compassionate ground, should give an undertaking in writing that he/she will maintain properly the other family members who have been dependent on the Railway employee and in case it is proved subsequently that the family members are being neglected or are not being properly maintained by him/her, his/her appointment may be terminated forthwith. For this purpose, the details of the dependent family members may be obtained and kept on record at the time the request for compassionate appointment is made (as given in the Annexure).

Kindly acknowledge receipt.

Hindi version will follow.

(Devika Chhikara)  
Director Establishment (N)  
Railway Board.

CPO	Am
CPO/A	De
SPOR	

(90)  
2/8/00  
mco

46  
7  
No. E(NG)II/99/RC-1/GenL/19

New Delhi, dt. 22.8.2000

Copy to:-

1. The General Secretary, AIRF, 4, State Entry Road, New Delhi, with 35 spares.
2. The General Secretary, NFIR, 3, Chelmsford Road, New Delhi, with 35 spares.
3. All Members of Departmental Council/National Council and Staff Secretary, National Council 14-C, Ferozeshah Road, New Delhi with 90 spares.
4. Secretary General, FROA & IRPOA, Room 256A & 268, Railway Board.  
(5 spares)

*[Signature]*  
for Secretary/Railway Board.

Copy to:-PPS to CRB, MS, AM(S), DG/RHS, Sr.PAs, EDE(N), Adv.(IR), EDE(Res), EDE, EDE(RRB), EDPC-I, II, ED(H), DE(G), DE(N), D(MPP), JDE(Rep), JDE(N)I, II, JDE(L), JD(H), JDE(LR), DDE(Rep)-I, II, DDE(N)II, DD(Sec), DDRR, DDE(LR)I, II, III, E(Rep)I, II, III, E(G), E(W), E(SCT)I, II, Sec.(E), E(MPP), E(D&A), E(NG)I, PC-IV, V, E(RRB), A/C-III (10 copies), Code Revision Cell (5 copies) Branches of Railway Board.