

of 100 3  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 1/66/2004

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SECTION OFFICER (Judl.)

FORM NO. 4  
(SET RULE 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
KALAHATI BENCH.

ORDER SHEET

Ora. App/ Misc. Petn/ Cont. Petn/ Rev. Appl.

166/04

In O.A.

Name of the Applicant(S) Lakhi Ram Nath

Name of the Respondent(S) U. O. T. Form

Advocate for the Applicant R. Ansari, R. Sagar, M. Ahmed

Counsel for the Railway C.G.S.C. Mr. M. C. Sarmas  
Rly. Standing counsel.

OFFICE NOTE | DATE | ORDER OF THE TRIBUNAL

This application is a new  
is filed/ U. F. C. R. No. 0-  
deposited on 15.6.04  
No. 119390462

Dated 15.6.04

5.8.2004

List on 9.8.2004 for admission.

*Ku. P. D. B.*  
Member (A)

*11c*  
*29/7/04*  
*BB*

9.8.2004

On the plea of the learned counsel  
for the applicant the case is to be  
listed on 16.8.2004 for admission.

Steps taken with envelops.

*W.*

*Ku. P. D. B.*  
Member (A)

bb

16.8.2004

List on 30.8.2004 for admission.

mb

*Ku. P. D. B.*  
Member (A)

30.8.2004

Heard Mr. M. Ahmed, learned

31.8.04  
 Copy of the order  
 has been sent to  
 the Dpecc for  
 ready the same to  
 the ~~opp~~ parties  
 Counsel as well  
 as to the Respon-  
 nos.

The learned counsel for the  
 applicant prays for withdraw the  
 application. Accordingly, the applica-  
 tion is dismissed on withdrawal.

K.S.

14.9.04

Copy of the order  
 received back  
 from the Respon No 6  
 with a remarks  
 "All addressee left"  
 on 14.9.04

S.C.

mb

*K. S. Dinde*  
 Member (A)

2.9 JUL 2004

MR. VIKAS GUPTA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI, ASSAM.

(ORIGINAL JURISDICTION)

O.A. NO. 166 OF 2004

CATEGORY NO. \_\_\_\_\_

CODE NO. \_\_\_\_\_

BENCH: \_\_\_\_\_

Smti. Lakhi Ram Nath

.... Applicant

-vs-

The Union of India & Ors.

.... Respondents.

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Filed by :

Advocate

Contd/-

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O/A /2004

Smti. Lakhi Ram Nath

....Applicant

-Versus-

The Union of India & Others

...Respondents.

#### LIST OF DATES

23.11.1994:- Applicant's <sup>husband</sup> father Shri Prafulla Kumar Nath who was an employee as wireman Grade II in Class-III under District Electrical Engineering, New Bongaigaon has declared medically unfit and accordingly released from his service.

4.11.1996:- Applicant's son, Shri Bablu Nath applied for a job on compassionate ground before the District Electrical Engineer and accordingly screening test was performed in Group D. under Memo No. E/M/223-Pt-IX.

.... Annexure-A page-16

18.11.1996:- Shri Bablu Nath son of applicant appointed compassionate ground in Group-D post under Memo issued by Deputy Chief Mechanical Engineer. New Bongaigaon.

Annexure- B. page-17

17.6.1999:- Shri Bablu Nath expired due to certain disease leaving behind the following legal heirs.

1. Smti. Chandana Nath.... Wife.
2. Miss Monalisha Nath Minor daughter 5 yrs.
3. Smti. Lakhirani Nath, Mother/Applicant
4. Shri Prafulla Kumar Nath... Father
5. Shri Ganesh Nath (Brother).

**Annexure-C-page-18**

21.9.1999:- Smti. Chandana Nath, Respondent No. 6 appointed in Group 'D' service on compassionate ground.

15.10.1999:- An appeal was filed before District Electrical Engineer (W) N.F. Railway New Bongaigaon due to financial hardship for separation of Smti Chandana Nath without looking after the Joint Family including the applicant.

**Annexure- D page No.19**

1.11.1999:- A legal notice was sent by the applicant stating to make arrangement for payment of 50% of Family Pension, Gratuity Provident Fund etc.

**Annexure-E. page-21**

15.10.1999:- An application made by the applicant before the Hon'ble Central Tribunal for

Contd/-

equal share of death benefit and family Pension of late Bablu Nath which was registered as OA/113/00.

25.4.2000:- The said OA/113/00 was disposed by the Hon'ble Central Administrative Tribunal and also has given liberty to the applicant to approach to the Hon'ble Tribunal if she still aggrieved with the order of Respondent.

Annexure-F. page-24

9.5.2000:- Applicant furnished a fresh representation giving details of the Hon'ble Court's order.

Annexure- G. page-25

19.1.04:- Applicant submitted as per fresh representation stating the new development of the case but has not communicated.

Annexure- H - page -27

14.2.04:- Received copy of the Official Communication letter issued by respondent District Electrical Engineer (W.S) N.P. Railway refusing the prayer of the applicant for death benefit and family Pension.

Annexure- I - page-29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: :GUWAHATI BENCH  
GUWAHATI

O.A of 2004

IN THE MATTER OF :-

An application under  
section 19 of the  
Administrative Tribunal  
Act, 1985

-AND-

IN THE MATTER OF :-

Srimati Lakhi Rani Nath,  
W/O of Sri Prafulla Kumar  
Math Resident: - 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 Govt. of India,  
Ministry of Railway,  
New delhi.
2. The General Manager  
North East Frontier Railway  
Maligaon, Guwahati.

(R.T.I. of Srimati Lakhi Rani Nath)  
Filed by the applicant  
Through R. Yangiuddin Ansari  
29/7/04  
Advocate



(R. T. I. Officer, Lekhoni Nath)

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 Elictical 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 the Application :-**

1. The particulars against which the present application is made :-

The application is made for the issuance of a mandamus/direction in respect of family pension

Contd/-

Smr.  
of  
R.T.I.  
Lokhit Rani Nath)

and a death benefits for the payment of 50% Of Family Pension and Death Benefits of Late Bablu Nath, the son the applicant who died on 17-6-99, to 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.

4.2 That Sri Prafulla Kumar Math, the husband of the applicant was an employee as Wireman, GradeII in Class III under District Electrical Engineering, 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 had been under medical treatment from 1985 till 1994 and

R. T. I. of  
S. K. Lakh Romi  
Nath.)

the registered Doctor attending on him declared on 23.11.94. as unfit for service and thereafter Sri Prafulla was released from his service.

4.3. That the applicant states that Sri Bablu Nath, the son of the applicant had applied for a job on compassionate grounds before the District Electrical Engineer, N. F. Railway, New Bongaigaon and the respondent accordingly advised Sri Bablu Nath to attend for screening Test on 8-11-1996 under 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 marked as Annexure-A.

4.4. That the applicant states that Sri Bablu Nath on being found suitable for compassionate appointment in Group 'D' post has been advised to attend the office of Deputy Chief Mechanical Engineer, New Bongaigaon on or before 19.11.96 under memo issued on 18.11.96 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

Contd/-

  
 (R.T. I. of Smti.  
 B. Lakhirani Nath)

annexed herewith and marked  
as Annexure 'B'.

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 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 heirs of Late Bablu Nath.

- i. Srimati Chandana Nath - Wife
- ii. Miss Monalisha Nath  
Minor daughter 5 yr.
- iii. Srimati Lakhirani Nath  
Mother / Applicant.
- iv. Sri Prafulla Kumar Nath  
Father
- v. Sri Ganesh Nath  
Brother.

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

4.7. That the applicant states that Srimati Chandana Nath the Respondent No.6 has applied for a job in any grade on compassionate grounds on the death of Sri Bablu Nath and Srimati Chandana Nath

3  
  
 (R. T. Smti. Chandana Nath)  
 (R. T. Smti. 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 she does not have any source of income for her living, maintenance and livelihood and on the other hand Smti. Chandana Nath is a Railway employee and she is living with her daughter has sufficient source of income.

4.9. That the applicant states that she filed an appeal before the District Electrical Engineer (W), N.F. Railway, New Bongaigaon on 15-10-99 stating therein that Late Bablu Nath, the deceased was living jointly and the entire joint family was dependant on the income of the deceased. The applicant further states that on appointment on 21-9-99 of Smti. 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 from the joint family and living with her parents and due to such inhuman activities, the applicant and other depended members of the Joint family 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 pension of Late Bablu Nath and thereby the Respondents may be

15  
  
 (R.T.I. of  
 Smt. Laxmi  
 Rai Nath)

directed to pay 50% share of death benefits including family pension to the applicant herself.

A copy of appeal dated 15.10.99 filed by the applicant is annexed herewith and marked as **Annexure 'D'**.

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 who was the sole bread winner of the family.

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

4.11. That the applicant states that the appeal filed on 15.10.99 and legal notice issued on 1.11.99 have not been disposed for a long time and the respondents were silently sitting over the said appeal and notice without doing anything for the grant of family pension and other service benefits in the name of the applicant.


  
 R.T.I. Of Smti  
 Galchirain  
 Nath  
 (Dated 15/10/2000)

4.12. That the applicant states that being helpless she approached this Hon'ble tribunal with an application under section 19 of the A.T. Act, 1985 praying for a direction that she is entitled to an equal share of Death Benefits and Family Pension of Late Bablu Nath, a Railway employee with respondent No.6, Srimati Chandana Nath. Same petition was registered as No. OA-113/00.

4.13. That the applicant states that the Hon'ble Tribunal disposed the said application after hearing the counsel for both sides with a direction to the competent authority the respondents to dispose of the representation dated 15.10.99 submitted by the applicant which was pending before them.

A copy of the order dated  
 25.4.2000 is annexed  
 herewith and marked as  
**Annexure 'F'.**

4.14. That the applicant states that as per the order of the Hon'ble Tribunal the applicant has also furnished a fresh representation before the respondents giving further details as submitted by her before this tribunal within one month from the date of said order.

A copy of the said  
 representation date 9.5.2000

Contd/-

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 (R.T.I. of Smti.  
 Lakhi Rani  
 Nath)

filed is annexed herewith  
 and marked as **Annexure 'G'**.

4.15. That the applicant states that the respondents were directed by the Hon'ble tribunal to consider the representation of the applicant and issue a speaking order within two months from the date of receipt of the fresh representation but the respondents have not communicated to the applicant at all for several years inspite of several visits and enquiries.

4.16. That the applicant states that she lost her daughter Smti. Minu Nath due to the financial hardships and lack of medical treatment on 3.12.02. Due to this fact hardship, suffering and misery of the applicant has increased and doubled.

4.17. That the applicant states that she submitted another fresh representation dated 19.1.04 stating the new developments regarding the case but the respondents have not communicated to the applicant.

A copy of the said fresh representation dated 19.1.04 filed by the applicant is annexed herewith and marked as **Annexure 'H'**.

4.18. That the applicant states that after a month she has received an official communication from the

  
 (R. Trish Singh  
 Lalaji Ram  
 Nath)

office of the District Electrical Engineer (WS), N.F. Railway NBQ refusing the prayer for payment of Death Benefits and Family Pension in equal share with Srimati Chandana Nath.

A copy of the said official communication issued by the DEE/WS/N.F. Railway NBQ filed by the applicant is annexed herewith and marked as **Annexure 'I'**.

4.19. 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 and the respondent have one minor daughter each for their maintenance and livelihood the Respondent No.6 being a Railway employee has sufficient source of income.

#### **5. GROUNDS FOR RELIEF WITH LEGAL PROVISION**

- (i) For that the applicant is entitled to equal share of Death Benefits and Family Pension of Late Bablu Nath who 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 doesn't have any source of income and she is not looked after

18  
  
 (R.T.I. of Smti  
 Lakhi Ram  
 Nath)

by 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) Rule 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 direction of this honourable Tribunal and several representations filed by the applicant before the respondents .

(v) For that it is fit case within the jurisdiction of this Hon'ble Tribunal to interfere in the matter for the payment of Death Benefits and Family Pension of Late Bablu Nath, under the provision of the Railway services (pension) Rule 1993.

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

(vii) For that the respondents have not considered the adverse effects of the applicant for nonpayment of Death Benefits and Family Pension to the applicant.

(R. T. Smt. Lakshmi  
Roni Nath)

(viii) For that the respondents should make equal share of death benefits and family pension between the applicant and the respondent No. 6.

(ix) For that the applicant is in a very hard situation who cannot maintain herself due to the reason she renounced her compensatory appointment of her husband in favour of her son with the hope that her son would look after her.

(x) For that delayed official communication has caused anguish to the applicant. She should have been the job holder on compassionate grounds after Medical unfitness of her husband Sri Prafulla Kumar Nath. She had surrendered her right in favour of Sri Bablu Nath with the hope of that she would have been taken care of by her son.

(xi) For that the Hon'ble Tribunal in its order dated 25.4.2000 has given the liberty to the applicant to approach to this Hon'ble Tribunal if she still aggrieved with the order of the respondent.

(xii) For that the appointment of Late Bablu Math compensatory ground in the place of the applicant would defeat the ends of justice if the applicant has not given her due share of Death Benefits and Family Pension of her son.

R.T.I.O.P Smj.  
Lokhi Ram Nath

**6. Details of remedies exhausted.**

That the applicant states she has no other alternative and other 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.

**7. Matters previously filed but not pending with.**

The applicant states that she had filed an application previously before this Hon'ble Tribunal which is numbered O.A. 113/2000 and same has been disposed of by this Hon'ble Tribunal with an order dated 25/4/2000 in O.A. 113/2000 and before or after filing said application no other application has been filed in any other Hon'ble Tribunal or Court.

**8. Relief Sought:**

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

(i) A declaration that the applicant is entitled to equal share of death benefits and family pension of late Bablu Nath a group 'D' employee of N.F. Railway.

(R.T.I. of Smti.  
Lakhi Rani Nath)

(ii) A direction to the respondents to extend the Death Benefits and Family Pension with equal proportion between the applicant and the Respondent No.6

(iii) Cost of the applicant.

(iv) 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, on observation be made that no death benefits and family pension be granted to Srimati Chanana 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. Perticulars of the R.P.O.**

- i. I.P.O No.
- ii. Date
- iii. Payable amount

#### **11. List of Enclosures:**

- i. Index
- ii. Application
- iii. Annexure A, B, C, D, E, F, G, H and I
- iv. Indian postal order.
- v. Vakalatnama

✓

**VERIFICATION**

I, Srimati Lakhi Rani Das aged about 54 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 statement made in paragraph 1 to 4 and 6 to 11 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 29<sup>th</sup> day of June, 2004 at Guwahati.



(R.T.I. of Lakhi Rani Nath)  
Signature.

12/12/96

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

Dt/-/11-96.

222/223-Part II

Ex. Bablu Nath  
S/o Ex. Gopalakrishna Ex. W/mam/Superb.  
New Colony (Kaliabari)  
Post. & Dist. Bongaigaon  
Pin-783380 (Assam)

Screening Test for compassionate appointment in  
Gr-I D post in scale Rs.750-910/- (NP).

Date of screening test for your compassionate appointment in Gr-I D post in scale Rs.750-910/- (NP) 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.

for Dy. CME (C&W)/MDQS

Sub  
4/11/96

*Copy to be true copy*

*Revd*

*Revd*

*N.E. Kaliabari*

Office of the  
Dy. Chl. Mech. Engineer,  
R. R. B. J. London.

Recd. the 1st November

S/C for full examination

Ex. 1/11/96 by 6/12/96

Medical Examination for initial appointment in Gr. 'D' posts  
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  
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 certif. on to of the Ex. employee.
2. Educational & age proof cert. ficate.
3. Casting certificate
4. Two character certificates from the two responsible  
(Gazetted Officer).

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

Confidential to be the copy



To,

The Electrical Engineer (i),

N.R.I.U., New Darjeeling,

Sub :- An earnest and pitously appeal for rendering financial assistance for the preservation of endowment of my invalid husband, son and daughters.

Sir,

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

That Sir, my husband Shri Purushottam Nath was working under your kind control at T.L.Shop/N.E.S.R.R. Rly. It was due to his mental disease once he was medically incapacitated and consequently my son Boblu Nath was appointed as Khelsai under S.E.P.R.R./N.E.R.Rly. on 14-12-96 on compassionate ground. But it is a most unfortunate matter for me as well as his invalid father that my this serving and dependable son (Boblu Nath, deceased expired on 17.6.99.

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

Contd... P/2

It is stated that since the appointment of my deceased son (Bablu Nath) was living with us jointly with his wife Smt. Chandana Nath (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 arrangement for group 'B' category of compassionate ground and joined in the service on 21.9.99 and working under your control in GEM shop/RDQ.

Now I am sorry to state that suddenly and unexpectedly my daughter-in-law Smt. Chandana Nath has separated herself from us and living with her parents. As due to such inhuman activities my daughter-in-law we have been thrown in completely uncertain 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 for the matter of settlement case and Q.M.Y. financial payment to be given by the railway authority. ~~as per P.M. 1999~~, deceased son (Bablu Nath).

In consideration of the above circumstances, I beseech you that you will kindly consider my appeal for.....Humanitarian ground and take some suitable measures by.....so we can be safe guarded from impending rain.

Dated,  
NEDO the 15th Oct' 99

Yours faithfully,

R.T.I. of Smt. Lakshmi Nath  
W/o Shri B.C. Nath, Ex-1/men  
(Radically invalid) working under S.E.E./  
X.L. as 1c mother of deceased son  
Late Bablu Nath, Ex-1/men under  
S.E.E./P.M.D.

Annexure-E

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 (X),  
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, I hereby give  
you this notice and state as follows : -

1. That, my client's son late Bablu Nath was appointed as  
an employee as Khalasi under S.C. I.F/P/NBQ/N.F.Rly. on 14.12.06  
at New Bongaigaon on compassionate ground on account of retire-  
ment of my client's husband who was mentally imbalanced and  
incapacitated who worked at "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. Pinu Nath and his imbalanced and incap-  
acitated father. Subsequently, after his appointment, Bablu Nath  
married Smt. Chandru Nath.

3. That, unfortunately my client's said son, Bablu Nath  
died on 17-6-09 due to his illness leaving my client and others  
as dependents and legal heirs.

contd... 2/-

4. That, after the death of my client's son, Bablu Nath on 17.6.99 Smt. 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 died 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 widow's 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.

Certified  
R. Ansari

2/23 -

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- 3 -

Under the circumstances stated above, I hereby give you this notice to make arrangement for payment of family pension, gratuity, 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 execute 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,

(. Philip Kumar Das),  
Advocate.

Constituted to be true copy  
R. Argan

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO 113/2002

OF 199

Applicant(s) Smt. Chandana Kanta Nath

Respondent(s) Union of India and Ors

Advocate for Applicant(s) Mr. R. S. Deka

Advocate for Respondent(s)

Ally Adcock.

Note, of the Registry	Date	Order of the Tribunal
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.</p> <p>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>

Certified to be true Copy  
सत्याग्रह अधिकारी

Guwahati Bench (W)  
Central Administrative Tribunal

Chandana Nath

Conferred to  
true  
copy  
R. Ansari.

Ally  
S. Deka  
M.T.P.S. 1416  
REGD. NO. 13413 (AMO)

S.Y. Member (A)

Dated : 9-5-2000.

32

To,

The District Electrical Engineers,  
N. F. Railway,  
Bongaigaon, Assam.

Subject : Prayer for payment of death benefits and  
family pension in equal share with Smt.  
Chandana Nath.

Reference: Original Application No. 113/2000

Smt. Lakhi Rani Nath .. Applicant.

- Vs -

Union of India & Others .. Respondents.

Respected Sir,

Most respectfully I beg to state that I filed an application being OA No. 113 of 2000 before the Hon'ble Central Administrative Tribunal praying for payment in equal share of pension and death benefits of Late Bablu Nath who was a Railway Employee and expired on 17-6-99.

The Hon'ble Tribunal upon hearing the parties directed to dispose of earlier representation filed by me on 15-10-99 favourable with a direction to file a fresh representation along with the order dated 25.4.2000 in O A No.113 of 2000 passed by the Hon'ble Central Administrative Tribunal.

That, I respectfully submit that I alongwith other individual were dependent upon Late Bablu Nath during his life time and Smt. Chandana Nath, the wife

contd.

*Carried to the  
R. Angan. copy*

of Late Bablu Nath is appointed as Grade-IV on compassionate Ground, so I alongwith other members are entitled for equal share of death benefits and pension of Late Bablu Nath.

It is therefore, most respectfully prayed that Your Honour would be pleased to pay equal share of death benefits and pension to this applicant on the strength of the order dated 25-4-2000 in O A No. 113 of 2000 passed by the Hon'ble Central Administrative Tribunal and for this act of kindness I shall ever pray.

Yours faithfully,

( Srimati Lakhi Rani Nath )  
Wife of Sri Prafull Kumar Nath  
Bongaigaon, Assam.

Encl : A copy of order  
dated 25-4-2000  
in O A No. 113 of  
2000 passed by  
C A T .

Confidential  
R. Ansari. To be true copy

Dated 19.01.2004

32

To

The District Electrical Engineers,  
N.F.Railway,  
Bongaigaon, Assam.

Subject: Prayer for payment of death benefits and family  
pension in equal share with Smti.Chandana Nath.

Reference: Original Application No.113/2000 and fresh  
representation made on 9.5.2000 with the  
direction of Hon'ble Central Administrative  
Tribunal.

Smti.Lakhi Rani Nath ... Applicant

Versus

Union of India & Ors. ... Respondents

Respected Sir,

Most respectfully, I beg to state that I  
filed an application being Original Application No. 113  
of 2000 before the Hon'ble Central Administrative  
Tribunal praying for payment in equal share of pension  
and death benefits of Late Bablu Nath who was a Railway  
Employee and expired on 17.06.99.

That, I respectfully submit that I along with  
other individual were dependent up on Late Bablu Nath  
during his life time and Smti. Chandana Nath, the wife  
of Late Bablu Nath is appointed as Grade-IV on compas-  
sionate ground, so I along with other members are enti-  
tled for 50% share of death benefits and pension of Late  
Bablu Nath.

The Hon'ble Tribunal upon hearing the parties

*P. Ansari  
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Certified to be*

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directed to dispose of earlier representation filed by me on 15.10.99 favourable with a direction to file a fresh representation along with the order dated 25.4.2000 in O.A. No. 113 of 2000 passed by the Hon'ble Central Administrative Tribunal. As per the direction of the Hon'ble Central Administrative Tribunal I made a fresh representation dated 9.5.2000 but till today Your Honour failed to take any action, as a result I am suffering great financial hardship. So, I made this representation before you that Your Honour may take necessary action regarding the payment of death benefits and family pension within seven days. If you failed to take action within stipulated period I will be bound under instructions of my advocate to approach to the Hon'ble Central Administrative Tribunal with the direction given dated 25.4.2000.

It is therefore, most respectfully prayed that Your Honour would be pleased to take necessary action within the stipulated period on the strength of the order and representation and for this act of your kindness, I shall ever pray.

Yours faithfully,

(Smti. Lakhi Rani Nath)  
wife of Sri Prafulla Kumar Nath,  
Bongaigaon, Assam.

Enclo: A copy of order dated 25.4.2000  
in O.A. No. 113 of 2000 passed by  
CAT and representation dated  
9.5.2000.

*Certified to 21  
R. Bhagani  
Copy*

Northeast Frontier Railway.

36

Office of the,  
DEE/WS/NBQ.

No. EL/E/257/Q/1/886

Dated, 20/01/04.

To,

Smt. Lakhi Rani Nath.  
W/o. Sri Prafulla Kr. Nath.  
Ex. Wire-man-II(TL)

Address - New Colony (Kalibari)  
Post. & Dist. Bongaigaon.  
Pin - 783386 (Assam).

Sub:- Prayer for payment of death  
benefits and F/Pension in equal  
share with smt. Chandana Nath.

Ref:- Representation dt. 15. 11. 99.  
& 09. 5. 2000.

Your representation vide referred above has been  
examined by the competent authority (DEE/WS) and passed following.  
The speaking order as follows :-

"As per Railway Bd's L/No. F(E)/III/98/PNI/4  
dt. 27. 4. 1998, Circulated under CPO/MLG's  
L/No. FG/864 dt. 3. 7. 1998, parents will get  
the F.S. benefits who were wholly dependent  
on the Govt. servant when he/she was alive  
provided that deceased employee had left behind  
neither a widow nor a child."

Hence, your claim does not cover under the extant  
Rules, because the legal widow Smt. Chandana Nath is the  
legal heir of the deceased. Rly. employee (Lt. Bablu Nath,  
Ex. Kha.)

The above speaking order disposes your appeal.  
This is for your information please.

*DRD*  
20.01.04  
District Electrical Engineer (WS),  
N. F. Rly./New Bongaigaon.

*Carried to 2nd  
True copy  
R. B. Rayani.*  
Copy forwarded to APO/LC/MLG for information and necessary  
action please.

DEE/WS/NBQ.