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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 166/2004

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4

(SET RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAWAHAR BENCH.

ORDER SHEET

Org.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) H.O.I. Form

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

Counsel for the Railway/ C.G.S.C. Mr. M.C. Sarma
Rby. Standby Counsel

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
This application is filed in the office of the Registrar, Central Administrative Tribunal, Jawahar Bench, New Delhi, on 15.8.04. No. 119390462. Dated 15.8.04.	5.8.2004 mb	List on 9.8.2004 for admission. 10/8/2004 Member (A)
11c 10/8/2004 By Registrar P.S.	9.8.2004 bb	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 encls.	16.8.2004 mb	List on 30.8.2004 for admission. 10/8/2004 Member (A)

30.8.2004

Heard Mr. M. Ahmed, learned counsel for the applicant, Mr. M.C. Sarma, learned counsel for the Railway and also Mr. A. Ahmed, learned counsel for the Respondent No. 6.

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

K. V. Subramanian
Member (A)

mb

31.8.04

Copy of the order has been sent to the office for ready the same to the ~~app~~ parties counsel as well as to the Respondent No. 6.

H.S.

14.9.04

Copy of the order received back from the Respondent No. 6 with a remark "Addressed left" on 14.9.04

H.S.

3.6.04

Central Administrative Tribunal

29 JUL 2004

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/-

O/A /2004

Smti. Lakhi Ram Nath

....Applicant

-Versus-

The Union of India & Others

...Respondents.

LIST OF DATES

23.11.1994:- Applicant's ^{husband} 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/-

X

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
Nath 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.

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

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(R.T.I. of Smt.
Lakhi Rani 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 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 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/-

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(R.T.I. of Smt. Lokhi 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 Nath, the husband of the applicant was an employee as Wireman, Grade II 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

Contd/-

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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/-

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(R.T. of Smt.
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 Lekhirani 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

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(R.T.I. of
Smti Lalkhi
Romi 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

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(R.T.I. of
Smt. Lakhi
Rani 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.

Contd/-

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R.T.I. of Smt.
Lalchi Rani
(Nath)

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 a 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

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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

X
(R. Doff Singh
Lalbi Rami
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. **GROUND 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

Contd/-

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(R.T.I. of Smt.
Lakhi Rani
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.

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(R.T. 1.02
Smt. Laxmi
Rani 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 cased anguished 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 Nath 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.

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R.T.I. of Smt.
Lakshmi Rani 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.

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(R.T.I. of Smt.
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. Particulars 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 29th day of ~~July~~, 2004 at Guwahati.



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

Signature.

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~~ANNEXURE~~ 'A'

12-02-96

RAILWAY

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

Dt/- 4-11-96.

RA/223-Pt. IX

To:
Sri Bablu Nath
S/o Sri Prafulla Kr Nath Ex W/man/PEEB
New Colony (Kalibari)
Post. & Dist - Bongaigaon
Pin-783380 (Assam)

:- Screening Test for compassionate appointment in
Gr-'D' post in scale Rs.750-910/-(RP).

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

Confirmed to be true copy

[Signature]

[Signature]
13/11/96

R. E. Railway Station, Bongaigaon

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ANNEXURE - B

Annexure - 1

Dr. 1st of the
Dr. Chl. Mechl. Engineer,
H. 1st of the

Dr. 1st of the

Dr. 1st of the

Dr. 1st of the

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
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)

[Signature]
for Dy. CME (C&N) / MGS 18/11/96

Copy to be true copy

Form No. 10

Sl. No.

ক্রমিক নং

1669



সম্মানজনক

GOVERNMENT OF ASSAM

(অসম চৰকাৰ)

DIRECTORATE OF HEALTH SERVICES

CERTIFICATE OF DEATH

(মৃত্যুৰ সনদ)



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

ISSUED UNDER SECTION 17

(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯ নং ১২/১৭ অনুসৰি নিৰ্গত)

This is to Certify that the following information has been taken from the original record of Death which is in the register for Death/99 Registration unit of 17.6.99 of District Bongaigaon of the State of Assam.

ইয়াৰ দ্বাৰা প্রমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ বঙাইগাঁও জিলাৰ পৌৰসভা মৌজা অন্তৰ্গত পঞ্জীয়ন গোটে পঞ্জীয়ন মূল অভিলেখন কৰা সংগতিত কৰা হৈছে।

Name/নাম :

Bablu Nath

Nationality/জাতি

Indian

Sex/লিংগ :

Male

Permanent Address/স্থায়ী ঠিকনা

17.6.99

Date of Death/মৃত্যুৰ তাৰিখ

17.6.99

Registration No./পঞ্জীয়ন নং

17.6.99

Place of Death/মৃত্যুৰ স্থান

Bongaigaon

Date of Registration/পঞ্জীয়নৰ তাৰিখ

23.6.99

Name of Father/Mother/Husband/পিতৃ/মাতৃ/স্বামী

Pratulla Nath

Permanent Residential Address/স্থায়ী বাসগৃহৰ ঠিকনা

17.6.99

Signature/স্বাক্ষৰ

Designation/পদবী

Date/তাৰিখ

Chief Registrar/মূখ্য পঞ্জীয়ক

Certified to be true copy

- 19 -

ANNEXURE - D

ANNEXURE - 'P'

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To,

The Dist. Electrical Engineer (D),

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-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 Profulla Ar. Nath was working under your Dist. Control as T.I. Shop/N.E.S/N.F. Rly. It was due to his mental disability he was medically incapacitated and consequently my son Noblu Nath was appointed as P.W.C.I under C.E./P/N.E.S/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 (Noblu Nath, deceased expired on 17.6.99.

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

Contd...r/2

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

Subsequently to the death of my son (Nablu Nath) his wife i.e. my daughter-in-law Smt. Chandana Nath has been favoured with the employment in group 'B' category on compassionate ground and joined in the service on 21.9.99 and working under your control in GEN shop/NEO.

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 my daughter-in-law to have been thrown in completely uncertain state of mind and all of our hopes of the existence have been destroyed as because all financial benefit of my deceased son Nablu Nath will be availed unilaterally by her though morally and humanly as the unfortunate mother and father of my deceased has major rights in the matter of settlement case and all the financial payment to be given by the railway authority. ~~...~~ deceased son (Nablu Nath).

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

Dated,
NEO the 15th Oct'99

Yours faithfully,

R.T.I. of Smt. Lalshmi Nath
W/o Shri. Profulla K. Nath, Ex-4/mon
(Medically Invalid) working under SEE/
XL, who is mother of deceased son
Late Nablu Nath, Ex-4/mon under
SEE/P/NEO.

Confidential
True copy

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 (W),
N.F. Railways,
P.O. New Bongaigaon,
Dist. Bongaigaon, Assam.

Dear Sir,

Under the instructions from my Client, Smt. Lokamani Nath, wife of Sri. Prafulla Kumar Nath, resident of Kallibari, New Colony, P.O. & P.S. Bongaigaon, Dist. Bongaigaon, Assam, 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 Khelasi under ST. IF/P/NBQ/N.F.Rly. on 14.12.06 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 Khelasi who used to look after and maintaining them, namely, his mother, unmarried sister, Smt. Pihu 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 17-6-09 due to his illness leaving my client and others as dependents and legal heirs.

contd...2/-

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true copy
Riyamodin
Assam.*

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 on a compassionate ground on 21.9.99 in Group D category in CA 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 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 Copy
R. Ansari

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, Sgt. 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,

(Philip Kumar Das),
Advocate.

*Carried to be true copy
R. Anjan*

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO 113/2002 OF 199

Applicant(s) Smt. Laxmi Rani Nath

Respondent(s) Union of India and Ors

Advocate for Applicant(s) Mr. R. Sharma

Advocate for Respondent(s) By Advocate

Note of the Registry

Date

Order of the Tribunal

25.4.00

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.

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.

Application is disposed of. No order as to costs.

Sd/- Member (A)

Certified to be true Copy
प्रमाणित प्रतिलिपि

Deputy Registrar (A)
Central Administrative Tribunal
Guwahati Bench

Certified to be true Copy
R. Ansari

Approved
M. S. S. LAL
REGD. NO 13413 (AMO)

Dated : 2-5-2000.

3V

To,

The District Electrical Engineers,
N. F. Railway,
Bongelgaon, 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.

*Certified to be
true copy
R. Anjan.*

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 Laxmi Rani Nath)
Wife of Sri Prafull Kumar Nath
Bongaingaon, Assam.

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

*Certified to be true copy
R. Anson*

Dated 19.01.2004

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

*Copy to be
true copy
R. Ansari*

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.

Encl: 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 be
true copy
R. Anjan*

Northeast Frontier Railway.Office of the,
DEE/WS/NBQ.

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

Dated, 20/01/04.

To,
Smt. Laxhi Rani Nath. ✓
W/o. Sri Prafulla KR. Nath.
Ex. Wire-man-II(TL)

Address - New Colony (Kalibari)
Post. & Dist. Bengaigaon.
Pin - 783380 (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.

20.01.04
District Electrical Engineer (WS),
N. F. Rly./New Bengaigaon.

Copy forwarded to APO/LC/MLG for information and necessary
action please.

DEE/WS/NBQ.

*Certified to be
true copy
R. Anjan*