

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 220/2004.....

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SECTION OFFICER (Judl.)

FORM NO. 4  
(SEE RULE 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. 220/04

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicants: Smti. Binapani Devi

Respondents: N.C.I. Form

Advocate of the Applicants: P. Sarorah, S.K. Singher

Advocate for the Respondents: Cafe

Notes of the Registry	Date	Order of the Tribunal
Tr. No. 206/1142/00	22.09.2004	Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.
Dated 8-9-04		Mr. S. Sarma, learned counsel for the respondents was present. Application filed on behalf of the applicant for adjournment of the case. Stand over to 29.09.2004 for admission.
By L. Registrar 15/9/04		<u>R</u> Vice-Chairman

Steps taken with  
envelops.

mb

29.09.2004 Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

Misc. petition has been filed  
and registered as M.P. No. 111/04  
for condonation of delay.

16/11/04

Learned Advocate Mr. S.K. Singh, for the applicant states that the applicant shall file application for condonation of delay in approaching this Tribunal. For this purpose he seeks four weeks time. Stand over to 17.11.04.

mb

R  
Vice-Chairman

O.A. 220/04

25.11.04

List on 1.12.04 for order along-  
with M.P. 111/04.

*Lal Dilesh*  
Member

pg

1.12.2004 Present: Hon'ble Justice Shri R.K.  
Batta, Vice-Chairman

15.12.04  
copy of the order  
has been sent to  
the office alongwith  
M.P. 111/04.

Heard the learned counsel for  
the parties. Orders passed  
separately.

*R.*  
Vice-Chairman

nkm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Misc. Petition No.111 of 2004

And

Original Application No.220 of 2004

Date of decision: This the 1st day of December 2004

The Hon'ble Justice Shri R.K. Batta, Vice-Chairman

Smt Binapani Devi  
Wife of Shri Tarini Kanta Sarma  
Resident of Village- Helona,  
Barpeta, Assam.

.....Applicant

By Advocates Mr P. Sarmah and S.K. Singha.

- versus -

1. Union of India, represented by the  
Secretary, Government of India,  
Ministry of Railway,  
New Delhi.

2. The General Manager,  
N.F. Railway,  
Maligaon, Guwahati.

3. The Chief Personnel Officer (Admn)  
N.F. Railway,  
Maligaon, Guwahati.

4. The Divisional Railway Manager (P),  
Alipurduar,  
N.F. Railway, Alipurduar,  
Darjeeling, West Bengal.

5. The Assistant Mechanical Engineer,  
N.F. Railway,  
Alipurduar Junction,  
Alipurduar Darjeeling,  
West Bengal..

.....Respondents

By Advocate Mr S. Sarma.

.....

O R D E R (ORAL)

BATTA. J. (V.C.)

The applicant's husband was removed from service vide Memo dated 21.6.1988. The case of the applicant is that her husband was suffering from mental illness and he was missing from the residence in the year 1993. Neither her husband nor she could earlier approach this court for pensionary benefits on account of mental strain and the other circumstances. The applicant has filed an application for condonation of delay.

R

2. Heard learned counsel for the parties. To start with, I must state that there is misrepresentation in para 1 of the condonation application. It is stated that in para 1 that this Tribunal admitted O.A.220 of 2004 and directed the petitioner/applicant to file a condonation petition explaining reasons for delay in filing the O.A. and as such the condonation application is filed. The petition has neither been admitted nor this Tribunal had at any time directed the applicant to file condonation application. On the contrary the order dated 29.9.2004 shows that it was the learned counsel for the applicant who sought for time to file an application for condonation of delay in approaching this Tribunal.

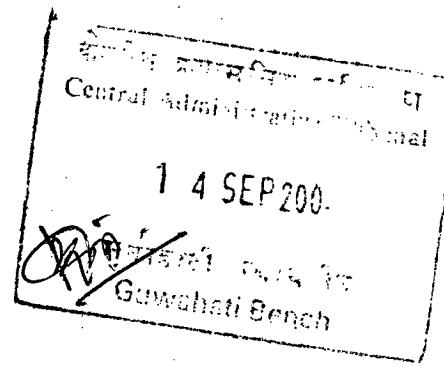
3. Be that as it may, there is neither sufficient grounds for condoning the delay nor there is any merit whatsoever in the petition. The applicant's husband was removed from service on 21.6.1988. From 1988 onwards till 2000 there is no explanation for delay on the part of the applicant or her husband. There are general grounds taken relating to mental strain of the husband of the applicant (not the wife) from 1993. The applicant also claims that and his missing from 1993. The applicant also claims that on account of mental strain she could not approach this Tribunal. It was only somewhere in the year 2000 that she made certain representations to the authorities and subsequently sent some reminders. What the applicant is seeking in the petition is pensionary benefits. When a person is removed from service, the question of pensionary benefits does not arise unless the removal order is challenged and set aside. The applicant's husband had absented from duty from 17.9.1982 and he was removed from service with effect from 21.6.1988. In my opinion a stale and hopelessly time barred matter cannot be allowed to be agitated after about sixteen years of the removal order.

4. In view of the above the condonation application  
as also O.A. 220 of 2004 are hereby summarily dismissed as  
I do not find any good or sufficient ground to entertain  
the same.

*R. K. Batta*

( R. K. BATT )  
VICE-CHAIRMAN

nkm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 220 OF 2004.

B E T W E E N

Smti. Binapani Devi -Applicant.

-Versus-

The Union of India & Ors -Respondents

SYNOPSIS AND LIST OF DATES

This Original application is made for seeking a direction from this Hon'ble Tribunal for giving a direction to the Respondents for releasing the pensionary benefits including CPF, Group insurance, etc. to the applicant who is the wife of Sri Tarini Kanta Sarma.

Annexure-A Copy of the removal order/memo No. 109-T dated 21-06-1988.

Annexure-B Translated copy of certificate dated 05-04-1997 issued by the Gaonbura.

Annexure-C Copy of certificate dated 02-05-02 issued by the In-charge Police Officer, Pathsala P.S.

Annexure-D Copy of representation dated 24-11-2000.

Annexures- Copies of the representations dtd.  
E/1, E/2 21-02-2003, 11-12-2003 and  
& E/3 09-07-2004.

Filed by  
*SK Singh*  
for (Prem Sarmah)  
Advocate.

Filed by the petitioner  
through  
Sanjib Kumar Singh  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 220 OF 2004.

B E T W E E N

Smti. Binapani Devi,  
Wife of Sri Tarini Kanta Sarma,  
Resident of Village-Helona,  
P.O.-Helona,  
P.S.-Patacharkuchi,  
District-Barpeta, Assam.

-Applicant.

-Versus-

- 1] Union Of India,  
represented by the Secretary,  
Government of India,  
Ministry of Railway,  
New Delhi.

2207/07/07-GR/AT

R.R.D. - GR/2/2  
Date 10/12/2002

2] The General Manager,  
N.F. Railway, Maligaon,  
P.O.-Maligaon,  
Dist.- Kamrup, Assam.

3] The Chief Personnel Officer (Adm.)  
N.F. Railway, Maligaon,  
P.O.-Maligaon,  
Dist.-Kamrup, West Bengal.

4] The Divisional Railway Manager (P),  
Alipurduar, N.F. Railway,  
Alipurduar, P.O.-Alipurduar,  
Dist.-Darjeeling, West Bengal.

5] The Assistant Mechanical Engineer,  
N.F. Railway, Alipurduar Junction,  
P.O.-Alipurduar,  
Dist.-Darjeeling, West Bengal.

-Respondents.

#### DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH  
THE APPLICATION IS MADE:

10  
17/10/2011

This application is not made against any particular order but the applicant seeks a direction from this Hon'ble Tribunal to the Respondents for releasing the pensionary benefits of her husband, namely, Sri Tarini Kanta Sarma, Ex-Fitter Khalasi including G.P.F., C.P.F., Gratuity, etc. of her Husband, who was serving as fitter Khalasi under LF/NBO since 1958 to.

#### 2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

#### 3. LIMITATION

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

#### 4. FACTS OF THE CASE

11  
2nd-10th page free

Facts of the case in brief are given below:

4.1] That your humble applicant is citizen of India and as such, he is entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2] That your applicant begs to state that the husband of the petitioner was appointed in the N.F. Railway in the year 1958. He suffered from mental disturbance and absented himself from duties since 17-09-1982. In this regard, i.e., regarding the unauthorized absent, the authorities have started a disciplinary proceeding and issued a charge sheet vide Memo No. 109 T dated 28-08-1983. The husband of the petitioner at last removed by the Respondents from his service vide Memo. No. 109-T dated 21-06-1988.

Annexure-A is the copy of the above-mentioned removal order/memo No. 109-T dated 21-06-1988.

Copy of Police Log

4.3] That your applicant begs to state that being a mental sufferer the husband of the petitioner could not give any reply to the charge sheet issued against him by the Respondents and subsequently he was removed from service. For the same reason he could not be able to approach before the Respondents against such removal order. His mental strain gone further and he was found missing from his residence, it was in the 1993. The petitioner reported the matter to the concerned police officer and requested for search but all in vain.

4.4] That your applicant begs to state that regarding his missing the concerned Gaonbura as well as concerned Police Officer had issued certificate certifying that her husband is missing since 1993.

Annexure-B is the translated copy of certificate dated 05-08-1997 issued by the Gaonbura.

Annexure-C is the copy of certificate dated 02-05-02 issued by the In-charge Police Officer, Pathsala P.S.

4.5] That the applicant begs to state that after more than 7(seven) years of missing of her husband the petitioner approached before the Respondents and prayed for taking necessary steps regarding release of pensionary benefits including CPF, Group insurance, gratuity, etc. benefits of her husband treating the case of missing as a special case. Before 17-09-1982 the husband of the petitioner had rendered the required period of service for obtaining pension. The service career of the husband of the petitioner was blemish free.

Annexure-D is the copy of representation dated 24-11-2000.

4.6] That your applicant begs to state that the petitioner waited in the hope that the Respondents will take necessary steps regarding release of pensionary benefits including CPF, Group insurance, gratuity, etc: benefits of the

Pet. of Mrs. Gauri

husband of the petitioner, but the respondents did not take any action. Being compelled the petitioner filed several representations before the respondents requesting them to release the pensionary benefits of the husband of the petitioner. But till date the Respondents have not taken any action in this regard.

Annexures-E/1, E/2 and E/3 are the copies of the aforementioned representations dated 21-02-2003, 11-12-2003 and 09-07-2004.

4.7] That your applicant begs to state that she is the sole first category legal heir of Sri Tarini Kanta Sarma under the Hindu Law. As such, she is entitled for such pensionary benefits. But the Respondent No. 4 with a motive behind not entertaining her claim. Hence, finding no other alternative your applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.8] That your applicant submits that it is a fit case for interference by the Hon'ble

Tribunal regarding release of pensionary benefits to the applicant immediately. *J*

4.9] That the applicant submits that she is running from pillar to post for getting her legitimate pensionary benefits of her husband but till today the respondents have not taken any sympathetic view in this matter.

4.10] That this application is made bona fide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL  
PROVISION:

5.1 For that, the action of the respondents for not releasing pensionary benefits to the applicant is illegal, arbitrary, mala fide and violative of the principles of natural justice.

5.2 For that, the respondents have deprived the applicant from her legitimate claim of pensionary benefits and as such the act of the Respondents is not maintainable in the eye of the law.

16  
मुख्य  
मामला  
संघर्ष

5.3 For that, the respondents have violated the fundamental rights of the applicant and as such the action of the respondents is illegal, mala-fide with a motive behind.

5.4 For that, the applicant's case is a genuine case and also needs a sympathetic consideration of the matter by the Respondents and hence the Respondents cannot deny it.

5.5 For that, being a model employer the Respondents cannot deprive the applicant to give the similar benefit with similarly situated persons.

5.6 For that, in any view of the matter the action of the respondents are not sustainable in law and as well as facts.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

17  
Pet. Draft Chd  
Jef

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this petition,

1  
81  
15/2/2012

records may be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records grant the following relief to the applicant.

- 8.1 To direct the respondents to release the pensionary benefits, including CPF, Group insurance, etc. to the applicant as she is the only legal heir of Sri Tarini Kanta Sarma, Ex-Fitter Khalasi.
- 8.2 To grant such further or other relief or reliefs to which the applicant may be entitled having regard to the facts and circumstances of the case.
- 8.3 Grant the Cost of this application to the applicant.

9] INTERIM ORDER PRAYED FOR:

of  
Court of  
Appeal  
of  
Assam

At this stage no interim prayer is made, however, this Hon'ble Tribunal may be pleased to pass interim order as and when required.

10] Application Is Filed Through Advocate.

11] Particulars of I.P.O. :

I.P.O. NO. : 20G114200

Date Of Issue : 08/09/2004

Issued from : G.P.O., Guwahati

Payable at : Guwahati.

12] LIST OF ENCLOSURES:

As stated above.

- Verification.

## VERIFICATION

I, Smti. Binapani Devi, aged about 47 years, wife of Sri Tarini Kanta Sarmah, Ex-Fitter Khalasi, Office of the Divisional Railway Manager(P), N.F. Railway, Alipurduar, Presently residing at Village and P.O.- Helona, P.S. Patacharkuchi in the District of Barpeta, Assam, the applicant of the instant case do hereby solemnly verify that the statements made in paragraphs 1, 2, 3, 4.3 & 4.7

are true to my knowledge, those made in paragraphs 4.2, 4.4, 4.5 & 4.6

are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification today on this the 15th day of Sept. 2004 at Guwahati.

*অবিজ্ঞান প্রতিষ্ঠান*

DEPONENT

## Annexure-A

By Regd. Post with A/D.

N.F. Railway

OFFICE OF THE DIV.

## RAILWAY MANAGER

## ALIPURDUAR JUNCTION

**MEMORANDUM**

Dated - 21/06/1988.

Whereas Shri Tarini Kanta Sarma, Fitter Khalasi/NBQ was absenting himself from duty without authority from 17-09-82 onwards and for the same offence a Major memorandum has also been issued under No. 109 T dated 28-08-83 for Departmental action under DAR.

And whereas a Departmental enquiry has held into the aforesaid Memorandum of charges and charge of un-authorize absence has been established.

After a careful consideration of the enquiry report the undersigned agrees with findings of the enquiry report and has come to the conclusion that Shri Tarini kanta Sarma remained absent from duty without authority and has decided to impose on Sri Sarma, Fitter

Khalasi/NBQ, the penalty of removal from service.

In view of the above, Shri Tarini Kanta Sarma, Fitter Khalasi/NBQ is removed from service with effect from 21-06-88 (A.N.).

A Xerox copy of the findings of the enquiry is enclosed.

An appeal against this order lies with the authority immediately above the disciplinary authority (i.e., DME/APDJ).

DA/As above.

Sd/- illegible

Asstt. Mechanical Registrar,  
N.F. Rly/ Alipurduar June.

To,

Shri Tarini Kanta Sarma,  
Fitter Khalasi/NBQ,  
Vill.- Helana, P.O.- Bongaon,  
Dist.- Kamrup (Assam).

No. 109-T,

Dated- 21-06-88.

Copy for information to :-

- 1] LF/NBQ. He will please display the copy of the memorandum on the Shed Notice Board in presence of 2 or 3 witnesses under intimation to DRM (P)/APDJ.
- 2] OC/\_\_\_\_ (Bill),
- 3] DAO/APDJ.
- 4] CO/E/Pass.
- 5] OS of DME/APDJ's office.
- 6] Os/Fs.
- 7] LWI should attend the man with forms etc. for P.F.

Sd/- illegible

Asstt. Mechanical Engineer,  
N.F. Rly/ sAlipurduar June.

*Certified to be true copy*  
*JK Singha*  
*Advocate*

## Annexure-B

(Translated from Assamese)

CERTIFICATE

This is to certify that Sri Tarini Kanta Sarma is an inhabitant of Village-Tihu-Dekhata (Hellasupa), Mouza Sariha, under P.S.-Patacharkuchi in the District of Barpeta. He is found missing from home for last 8/9 years due to mental disorder. I fully know this fact. Mrs. Binapani Devi is the wife of Sri Tarini Kanta Sarma and Sri Shoilen Sharma is his son. I know both of them very well.

Sd/- Sri Narayan Chandra Gaonbura,

5/4/97

(S e a l)

*Certified to be true copy  
S.K. Singha  
Advocate*

## Annexure-C

TO WHOM IT MAY CONCERN

One Mrs. Binapani Devi, W/o Shri Tarini Kanta Sarma of Vill.- Helona, P.S.-Patachurkuchi District Barpeta, reported at this O.P. that her husband Sri Tarini Kanta Sarma was serving as an employee of Rly. Loco Shed Khalasi Fitter at Bangaigaon. Unfortunately, her husband became mental sufferer and missing since 1993. Enquiry was made but found no trace of him. This refers Pathsala O.P. GDE No. 716, dated 24-04-2002.

Sd/- illegible,

02-05-2002

In-Charge

Pathsala Police O.P.

Barpeta, Assam.

*Certified to be true copy  
SK Singla  
Advocate*

## Annexure-D

To

The Divisional Railway Manager (P),  
N.F. Railway,  
Alipurduar Junction, West Bengal.

Dated: 24-11-2000.

Sub: Prayer for payment of final settlement  
dues against Shri Tarini Kanta Sarma,  
Fitter Khalasi under LF/NBG.

Sir,

I am the wife of Sri Tarini Kanta Sarma, Ex-Fitter Khalasi who was serving under you. My husband suffered from mental disturbance and absented himself from duties since 17-09-1982. In this regard, i.e., regarding the unauthorized absence, the authorities have started a disciplinary proceeding and issued a charge sheet vide Memo No. 109 T dated 28-08-1983. At last my husband was removed by the authorities from his service vide Memo. No. 109-T dated 21-06-1988.

That Sir, being a mental sufferer my husband could not give any reply to the charge sheet issued against him by the authorities and subsequently he was removed from service. For the same reason he could not be able to approach before the authorities against such removal order. In the 1993 his mental strain gone further, he left the home, became a bedlamite and roamer of unknown roads and streets and lanes. I reported the matter to the concerned police officer and requested for search but all in vain.

That Sir, my husband had served under you for a quite long period and he is entitled to obtain pensionary benefits, including C.P.F., G.P.F., Group insurance, gratuity, etc.

That Sir, as stated above I am the wife of Sri Tarini Kanta Sarmah, Ex-Fitter Khalashi. I am submitting required documents in support of my claim. I am entitled to get the pensionary benefits of my husband.

That Sir, I am a poor woman without any income source and I have to foster my children in such a hard situation.

I, therefore, request your honor to take positive steps regarding release of pensionary benefits of my husband and for this act of kindness I shall remain ever grateful.

Yours faithfully,

Sd/- Smti. Binapani Devi,

Wife of Sri-Tarini Kanta Sarma,

Resident of Village-Helona,

P.O.-Helona,

P.S.-Patacharkuchi,

District-Barpeta, Assam.

Enclosures: As stated above.

*Certified to be true copy*  
*S. K. Singha*  
*Advocate*

29  
Annexure-E/1

To

The Divisional Railway Manager(P),  
N.F. Railway,  
Alipurduar Junction, West Bengal.

Dated: 21-02-2003.

Sub: Prayer for payment of final settlement  
dues against Shri Tarini Kanta Sarma,  
Fitter Khalasi under LF/NBG.

Ref: My earlier application dated 24-11-2000.

Sir,

I am the wife of Sri Tarini Kanta Sarma, Ex-Fitter Khalasi who was serving under you. My husband suffered from mental disturbance and absented himself from duties since 17-09-1982. In this regard, i.e., regarding the unauthorized absence, the authorities have started a disciplinary proceeding and issued a charge sheet vide Memo No. 109 T dated 28-08-1983. At last my husband was

removed by the authorities from his service vide Memo. No. 109-T dated 21-06-1988.

That Sir, being a mental sufferer my husband could not give any reply to the charge sheet issued against him by the authorities and subsequently he was removed from service. For the same reason he could not be able to approach before the authorities against such removal order. In the 1993 his mental strain gone further, he left the home, became a bedlamite and roamer of unknown roads and streets and lanes. I reported the matter to the concerned police officer and requested for search but all in vain.

That Sir, my husband had served under you for a quite long period and he is entitled to obtain pensionary benefits, including C.P.F., G.P.F., Group insurance, gratuity, etc.

That Sir, as stated above I am the wife of Sri Tarini Kanta Sarmah, Ex-Fitter Khalashi. I am submitting required documents in support of my claim. I am entitled to get the pensionary benefits of my husband.

That Sir, in earlier occasion also I had filed an application dated 24-11-2000 requesting you to release the pensionary benefits of my husband Sri Tarini Kanta Sarmah which is lying pending before you.

That Sir, I am a poor woman without any income source and I have to foster my children in such a hard situation. •

I, therefore, request your honor to take positive steps regarding release of pensionary benefits of my husband and for this act of kindness I shall remain ever grateful.

Yours faithfully,

Sd/- Smti. Binapani Devi,

Wife of Sri Tarini Kanta Sarma,

Resident of Village-Helona,

P.O.-Helona,

P.S.-Patacharkuchi,

District-Barpeta, Assam.

Enclosures: As stated above.

*Certified to be true copy  
S. Choudhury  
Advocate*

## Annexure-E/2

To

The General Manager,  
N.F. Railway, Maligaon,  
P.O. Maligaon,  
Dist.- Kamrup, Assam.

Dated: 11-12-2003

Sub: Prayer for payment of pensionary benefits  
of Shri Tarini Kanta Sarma, Fitter Khalasi  
under LF/NBG.

Sir,

I am the wife of Sri Tarini Kanta Sarma, Ex-Fitter Khalasi who was serving under the Divisional Railway Manager(P), N.F. Railway, Alipurduar Junction, West Bengal. My husband suffered from mental disturbance and absented himself from duties since 17-09-1982. In this regard, i.e., regarding the unauthorized absence, the authorities have started a disciplinary proceeding and issued a charge sheet vide Memo No. 109 T dated 28-08-1983. At last my husband was removed by the authorities

from his service vide Memo. No. 109-T dated 21-06-1988.

That Sir, being a mental sufferer my husband could not give any reply to the charge sheet issued against him by the authorities and subsequently he was removed from service. For the same reason he could not be able to approach before the authorities against such removal order. In the 1993 his mental strain gone further, he left the home, became a bedlamite and roamer of unknown roads and streets and lanes. I reported the matter to the concerned police officer and requested for search but all in vain.

That Sir, my husband had served under the Divisional Railway Manager(P), N.F. Railway, Alipurduar Junction, West Bengal for a quite long period and he is entitled to obtain pensionary benefits, including C.P.F., G.P.F., Group insurance, gratuity, etc.

That Sir, as stated above I am the wife of Sri Tarini Kanta Sarmah, Ex-Fitter

Khalashi. I am submitting required documents in support of my claim. I am entitled to get the pensionary benefits of my husband.

That Sir, I am a poor woman without any income source and I have to foster my children in such a hard situation.

I, therefore, request your honor to take positive steps regarding release of pensionary benefits of my husband and for this act of kindness I shall remain ever grateful.

Yours faithfully,

Sd/- Smti. Binapani Devi,

Wife of Sri Tarini Kanta Sarma,

Resident of Village-Helona,

P.O.-Helona,

P.S.-Patacharkuchi,

District-Barpeta, Assam.

Enclosures: As stated above.

*Certified to be true copy*  
*S. K. Baruah*  
*Advocate*

## Annexure-E/3

To

The General Manager,  
N.F. Railway, Maligaon,  
P.O.-Maligaon,  
Dist.- Kamrup, Assam.

Dated: 09-07-2004

Sub: Prayer for payment of final settlement  
dues against Shri Tarini Kanta Sarma,  
Fitter Khalasi under LF/NBG.

Ref: My earlier application dated 11-12-2003.

Sir,

I am the wife of Sri Tarini Kanta Sarma, Ex-Fitter Khalasi who was serving under you. My husband suffered from mental disturbance and absented himself from duties since 17-09-1982. In this regard, i.e., regarding the unauthorized, absent, the authorities have started a disciplinary proceeding and issued a charge sheet vide Memo No. 109 T dated 28-08-1983. At last my husband was

removed by the authorities from his service vide Memo. No. 109-T dated 21-06-1988.

That Sir, being a mental sufferer my husband could not give any reply to the charge sheet issued against him by the authorities and subsequently he was removed from service. For the same reason he could not be able to approach before the authorities against such removal order. In the 1993 his mental strain gone further, he left the home, became a bedlamite and roamer of unknown roads and streets and lanes. I reported the matter to the concerned police officer and requested for search but all in vain.

That Sir, my husband had served under you for a quite long period and he is entitled to obtain pensionary benefits, including C.P.F., G.P.F., Group insurance, gratuity, etc.

That Sir, as stated above I am the wife of Sri Tarini Kanta Sarmah, Ex-Fitter Khalashi. I had already submitted required documents in support of my claim. I am entitled

to get the pensionary benefits of my husband.

That Sir, in earlier occasion also I had filed an application dated 11-12-2003 requesting you to release the pensionary benefits of my husband Sri Tarini Kanta Sarmah which is lying pending before you.

That Sir, I am a poor woman without any income source and I have to foster my children in such a hard situation.

I, therefore, request your honor to take positive steps regarding release of pensionary benefits of my husband and for this act of kindness I shall remain ever grateful.

Yours faithfully,

Sd/- Smti. Binapani Devi,

Wife of Sri Tarini Kanta Sarma,

Resident of Village-Helona,

P.O.-Helona,

P.S.-Patacharkuchi,

District-Barpeta, Assam.

Enclosures: As stated above.

*Certified to be true copy*  
*S.K.Singha*  
*Advocate*