

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 179/2006.....

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SECTION OFFICER (Judl.)

Kalita
25/10/17

(P. 444-12)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 179/06
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Renika Roy

Respondant(s) U.O.T. 901

Advocate for the Applicant(s) Mr. S. Deka
Mr. S. B. Maiti

Advocate for the Respondant(s) Paribhasha

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

This application is in form
is filed C. F. for Rs. 50/-
d.p.s and vide IP/BB
No. 266/325013

Dated 24.7.06

gheet
Dy. Registrar

26.07.2006

Heard learned counsel for the
parties. The application is disposed of
at the admission stage itself in terms
of the order passed in separate sheets.
No order as to costs.


Vice-Chairman

Steps taken
with envelope.

mb

31.7.06

Copy of the Judgment
has been sent to the
D.P.C.C. for issuing
the same to the applicant
as well as to the Rly.
counsel.

dk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

179 of 2006

O.A. No.

25.07.2006

DATE OF DECISION

Smti. Renuka Roy

..... Applicant/s

By Dr. (Mrs.) S. Deka and Mr B. Nath

..... Advocate for the
applicant/s.

- Versus -

Union of India & Ors.

..... Respondent/s

Dr. J.L. Sarker, Railway Standing Counsel.

..... Advocate for the
respondents

CORAM

THE HON'BLE SHRI K.V. SACHIDANANDAN, VICE CHAIRMAN.
THE HON'BLE

| | |
|---|--------|
| 1. Whether reporters of local newspapers may be allowed to see the Judgment ? | Yes/No |
| 2. Whether to be referred to the Reporter or not ? | Yes/No |
| 3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench ? | Yes/No |
| 4. Whether their Lordships wish to see the fair copy of the Judgment ? | Yes/No |

20/7/06
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 179 of 2006

Date of Order : This the 25th day of July 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Smti. Renuka Roy,
Wife of Late Dwijendra Roy,
Resident of Rukminigaon,
N.N. Baruah Path, Guwahati - 22.

... Applicant.

By Advocates Dr. (Mrs.) S. Deka, Mr B. Nath.

- Versus -

1. Union of India,
(Through General Manager)
N.F. Railway, Maligaon,
Guwahati - 11.
2. General Manager
N.F. Railway, Maligaon,
Guwahati - 11.
3. Chief Electrical Engineer,
N.F. Railway, Maligaon,
Guwahati - 11.
4. Divisional Railway Manager,
N.F. Railway, Lumding.

... Respondents.

By Advocate Dr. J.L. Sarker, Railway Standing Counsel.

.....
ORDER (ORAL)

K.V. SACHIDANANDAN (V.C.)

The applicant claims to be the wife of late Dwijendra Roy, who died on 20.08.1972 while he was in service as an Electrical Fitter at New Guwahati, N.F. Railway. The applicant stated that after the death of her husband she has not received any pensionary or

other retirement benefits from the authority concerned. Being aggrieved by the said action, she approached this Tribunal by way of filing Original Application No. 268 of 2002 and this Tribunal vide Order dated 13.08.2003 disposed of the same with a direction to the respondents to consider the case of the applicant sympathetically. The authority concerned passed an order sanctioning ex-gratia pension in favour of the applicant with effect from 01.01.1986 to till date leaving the period from the date of death of her husband, i.e. 20.08.1972 to 31.12.1985. The applicant submitted representation on 18.02.2006 stating the fact that she is entitled to get outstanding pensionary or retirement benefit with effect from 20.08.1972 to 31.12.1985. However, the respondents did not take any steps to dispose of the said representation of the applicant. Aggrieved by the said inaction of the respondents, the applicant has filed this application seeking the following reliefs: -

"Under the facts and circumstances of the case the applicant prays that your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records, and after hearing the parties on the cause that may be shown, be pleased to grant the Ex-gratia payment from the date of death of her husband i.e. w.e.f. 20.08.1972 to 31.12.85 with interest of 9% per annum due to non-payment in time."

2. This Court while passing the order in the earlier O.A. No. 268 of 2002 observed as follows: -

"4. I have heard Mrs S. Deka, learned counsel for the applicant and Mr S. Sarma, learned counsel for the respondents. The plea of limitation raised by Mr S. Sarma is not doubt a substantial question of law. Predictability and certainty is one of the facets of law. But then, here the matter pertains to

6

pension and other retrial benefits of an employee. Retrial benefit is not a bounty provided by the employer. It is a vested right of the employee. Non-payment of pension is a wrong, a wrong of continuing nature. In the circumstances the application cannot be dismissed on the score of limitation. However, on the basis of the scanty materials it is difficult to issue any direction on the respondents for giving the pensionary benefit to the applicant. The applicant referred to the provisional list of seniority of Khalasi (P) in the scale of pay of Rs. 70-85/- (AS) as on 1.4.1965. The said provisional seniority list indicates that the applicant's husband, Late Dwijendra Ray was born on 28.7.1926. He was appointed as Khalasi (P) on 22.8.1947. The status communication at column 6 also indicates that the length of non-fortuitous adjusted service in the grade was computed as 17 years 7 months and 10 days against the name of Late Ray. If we go by that communication then the deceased husband of the applicant had rendered about twenty six years of service till 20.8.1972. But this is only a tentative finding. In my view the matter requires to be further probed which can only be done by the department and come to a definite finding on this."

The direction in the earlier Original Application was only to consider the case of the applicant sympathetically and to pass appropriate order as per law to provide the palliative to the applicant and her family. From the impugned order dated 16.09.2005 (Annexure - B), it is admitted that the husband of the applicant was an employee in the Railways, but the benefit has been granted only as an ex-gratia measure with effect from 01.01.1986.

3. Heard Dr. (Mrs.) S. Deka, learned counsel for the applicant and Dr. J.L. Sarkar, learned standing counsel for the Railways.

4. Dr. (Mrs.) S. Deka, learned counsel for the applicant submitted that she will be satisfied if a direction is given to the 4th

L

respondent to consider the case of the applicant afresh on the basis of the representation already filed and the applicant may be permitted to file comprehensive representation also before the 4th respondent within a time frame. Dr. J.L. Sarkar, learned standing counsel for the Railways submitted that it will suffice the ends of justice and he has no objection.

5. Considering the facts of the case, to meet the ends of justice, this Court directs the applicant to submit a comprehensive representation putting all the grievances to the 4th respondent within a time frame of three weeks from today. On receipt of such representation, the 4th respondent or any other competent authority as prescribed by Rules shall consider and dispose of the representation with reference to the documents available with the Railways with special reference to the Service Book and pass a speaking order and communicate the same to the applicant within a period of three months from the date of receipt of the representation. The respondents will also consider the question of entitlement of regular pension if the applicant is otherwise eligible.

The O.A. is disposed of as above at the admission stage itself. In the circumstances, no order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

/mb/

S_Y_N_O_P_S_I_S

The fact of the case is that the applicant's husband late Dwijendra Roy was a permanent employee in the N.F.Railway and working as Electric Fitter at New Guwahati, N.F.Railway. He died on 28-08-1972 while he was in service. After the death of her husband the applicant had not received any pensionary or other retirement benefits from the authority concerned. Being aggrieved the applicant approached before this Hon'ble Tribunal by filing O.A. 268/02 in which the Hon'ble Tribunal vide Order dtd. 13-08-03 disposed of the case with a direction to submit representation before the concerned authority and the concerned authority shall consider the case of the applicant sympathetically. Thereafter the authority concerned passed an order sanctioning ex-gratia pension in favour of the applicant w.e.f. 01-01-86 to till date leaving the period from the date of death of husband of the applicant, i.e. 20-08-72 to 31-12-85.

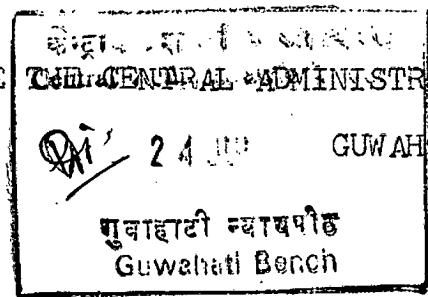
The applicant submitted a representation dtd. 18-02-2006 to the respondent No.4 stating the fact that she is entitled to get outstanding pensionary or retirement benefit w.e.f. 20-08-72 to 31-12-85 and praying from released of the same. But the authority concerned didn't take any step to dispose of the said representation. Being aggrieved the applicant approached before this Honourable Court again.

contd..List of dates.

LIST OF DATES

| <u>Sl. No.</u> | <u>Dates</u> | <u>Particulars</u> |
|--------------------|--------------|---|
| 1. | 13-08-03 | The copy of the Order dtd. 13-8-03 in O.A. No. 268/02. |
| 2. | 16-09-05 | The copy of the Order dtd. 16-09-05 sanction of ex-gratia pension in favour of the applicant Vide No.PNO/PN/Ex-GRATIA/ Elec./81. |
| 3. | 18-2-2006 | The photocopy of the representation dtd.18-2-06 submitted to the Respondent No.4. |

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH



O.A. NO. 179.../06

Smti Renuka Roy

-Vs-

Union of India & Ors.

I N D E X

| <u>Sl. No.</u> | <u>Annexure</u> | <u>Particulars</u> | <u>Page</u> |
|----------------|-----------------|--|-------------|
| 1. | - | Application | 1 to 5 |
| 2. | - | Verification | 6 |
| 3. | A | Judgement and Order dated 13.8.03 in O.A. No. 268/02. | 7 to 10 |
| 4. | B | Copy of the Ex-gratia payment Order dated 16.9.05 | 11 |
| 5. | C | Representation dated 18.2.06. | 12 to 13 |

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O.A. NO. /2006.

IN THE MATTER OF :

1. Smti Renuka Roy,

: Wife of Late Dwijendra Roy,

Resident of Rukmini gaon, N.N.

Baruah Path, Guwahati - 22.

..... Applicant.

-Vs-

1. Union of India,

(Through General Manager),

N.F. Railway, Maligaon.

Guwahati - 11.

2. General Manager,

N.F. Railway, Maligaon. Guwahati -11.

3. Chief Electrical Engineer

N.F. Railway, Maligaon, Guwahati-11.

4. Divisional Railway, Manager,

N.F. Railway, Lumding

.. Respondents.

Details of Application

1. Particulars of the Order against which the application Made :

This application is made for retiral benefits on death of husband (Family Pension/Exegratia Pension) of the applicant W.E.F. 20.8.72 to 31.12.85.

2. Jurisdiction

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

3. Limitation

11

RENUKA ROY
Smti
Wife of Late Dwijendra Roy
Resident of Rukmini gaon, N.N.
Baruah Path, Guwahati - 22.

Filed by the
Petitioner Smti Renuka Roy
through
its Lawyer Nath Advocate
84/7/106

3. Limitation

The applicant declares that the application is within the period of Limitation under Section 21 of the Administrative Tribunal Act, 1985, the prayer is for retirement benefit etc. including pension.

4. Facts of the Case

4.1. That the applicant is a citizen of India and as such is entitled to all such rights and privileges guaranteed by the Constitution of India.

4.2. That the applicant is the widow of Late Dwijendra Roy, who died on 20.8.1972 while he was in service. Her Late husband had been working as Electric Fitter at New Guwahati, N.F. Railway. After his death the applicant went to her original residence at Dhuburi with her two minor sons. Her husband was a permanent employee in the N.F. Railway

4.3. That your applicant begs to state that her husband was appointed as Khalasi (P) on 22.8.1947 as per AEE/Maligaon, Vide No. E/255/1/444 dated 5.2.1977. He died on 20.8.72, suffering from cancer and leaving behind the applicant and two minor children.

4.4. That the applicant states that she had not received any benefit from the N.F. Railway. Thereafter, the applicant submitted one representation before the concerned authority ~~paying~~ praying for the entire pensionary or other retirement benefits. But the respondent authorities did not take any step to dispose of the said representation. Being aggrieved on the action of the respondent in refusing release of pensionary or other retirement benefits, the applicant approached this Hon'ble Tribunal ~~vide order~~ by filing O.A. 268/02 in which the Hon'ble Tribunal vide order dated 13.8.03 disposed of the case with a direction to submitting representation before the concerned

authority and the concerned authority shall consider the case of the applicant sympathetically.

The copy of the Order dtd. 13.8.03 in

O.A. 268/02 is enclosed as Annexure - A.

4.5. That the applicant begs to state that thereafter the authority concerned passed an order sanctioning ex-gratia pension in favour of the applicant vide No. PNO/PN/EX-GRATIA/Elec/81 dated 16.9.2005.

As a result, the applicant has received the Ex-gratia pension w.e.f. 1.1.86 to till date leaving the period from the date of death of husband of the applicant, i.e. 20.8.72 to 31-12-85.

The copy of the order dated 16.9.05 is
enclosed as Annexure - B

4.6. That the applicant begs to state that she submitted a representation dated 18.2.2006 to the respondent No. 4 stating the fact that she is entitled to get outstanding pensionary or other retirement benefit w.e.f. 20.2.72 to 31.12.85 and praying for release the same. The aforesaid representation is pending before the respondent authority and no step has been taken on the same as

The photocopy of the representation dtd.
18.2.06 submitted to the Respondent No. 4 is
enclosed as Annexure - C

Being aggrieved the applicant has no other remedy
approaches before this Hon'ble Tribunal again.

4.7. That this application has been made bonafide and for the cause of justice.

5. Ground for Relief (s) with Legal Provisions.

5.1. For that the applicant is entitled to get remaining family pension as her husband was a permanent employee of the N.F. Railway.

5.2. For that the deceased employee rendered service in the N.F. Railway since 1947 till his death on 20.8.72. Therefore, he rendered

more than 20 years of service. Therefore, non-payment of Ex-gratia pension from the date of death i.e., 20.8.72 to 31.12.85 is illegal, arbitrary and without any reasonable ground.

5.3. For that it is the liability of the respondents to pay the entire family pension and other benefit as per rules whenever becomes due and payable.

5.4. For that non-payment of entire family pension and pensionary benefit caused undue hardship to the applicant.

5.5. For that non-payment of entire pension and pensionary benefit is violative of Article 14, 16 and 21 of the Constitution of India.

5.6. For that claim for family pension and pensionary benefits is a Constitutional right of the applicant for the period of service rendered by her deceased husband in the N.F. Railway, as a permanent employee.

6. Details of Remedy Exhausted

The applicant begs to state that there is no other remedy under any rule. However, the applicant submits representation which is not disposed of till date.

7. Matter not Pending before any Other Court

The applicant further declares that she has not previously filed any application, writ petition or suit regarding the matter in respect of which the application has made before any court of Law or any other authority or any Bench of the Tribunal and/or any such application, writ petition or suit pending before any of them.

8. Relief Sought For

Under the facts and circumstances of the case the applicant prays that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records, and after hearing the parties on the cause that may be shown, be pleased to grant the Ex-gratia payment from the date of death of her husband i.e., w.e.f. 20.8.1972 to 31.12.85 with interest of 9% per annum due to non-payment in time.

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South
Penkhering
Tribun
BIA

9. Interim Relief Prayed For

Nil.

10. This application has been filed through Advocate.

11. Particulars of Postal Order

(i) I.P.O. No. : 26G 325017
(ii) Date of Issue : 24-07-2006
(iii) Issued From : G.P.O. Guwahati.
(iv) Payable at : G.P.O. Guwahati.

12. Particulars of Enclosures :

As stated in the Index.

Verification . . .

VERIFICATION

I, Smti Renuka Ray, Wife of Late Dwijendra Ray, aged about 66 years, resident of Rukmini gaon, N.N. Baruah Path, Guwahati - 22, say that I am the applicant of the above case and put my thumb impression and accordingly I verify that the statement made in paragraphs 1, 4, 6 to 12 are true to my personal knowledge and those made in paragraphs 2, 3 and 5 are true to my legal advice and that I have not suppressed any material facts.

And, I, put my thumb impression in this verification on this the 18th day of July, 2006.

RTI Smti. Renuka Ray
taken by
OFA

Guwahati.

SIGNATURE

Date. 24-7-06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.268 of 2002

Date of decision: This the 13th day of August 2003

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

Smti Renuka Ray

Wife of Late Dwijendra Ray
Resident of Rukminigaon
N.N. Baruah Path,
Guwahati,

By Advocates Mrs S. Deka and Ms T. Das

.....Applicant

- versus -

1. The Union of India, through the
General Manager,
N.F. Railway,
Maligaon, Guwahati.

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

3. The Chief Electrical Engineer
N.F. Railway,
Maligaon, Guwahati.

4. The Divisional Railway Manager,
N.F. Railway,
Guwahati.

.....Respondents

By Advocates Mr B.K. Sharma, Railway Counsel
and Mr S. Sarma.

ORDER (ORAL)

CHOWDHURY, J. (V.C.)

The core issue relates to providing of retiral
benefits to the applicant. The applicant claims to be the
wife of Late Dwijendra Ray who died while he was in
service as an Electric Fitter at New Guwahati, N.F.
Railway. The applicant pleaded that after the death of her
husband she left for her original residence with her two
minor sons and therefore she could not pursue the matter

After the
J. Bhowmik
Advocate
24/7/06

with right earnest. According to the applicant her husband was appointed as Khilasi (P) on 22.8.1947 under the AEE/ Maligaon vide order No.E/255/1/444 dated 5.2.1977. The applicant pleaded that she was a totally illiterate person and because of her ignorance she could not pursue the matter with right earnest. Finally, overcoming all difficulties she submitted a representation before the authority on 27.12.2001 for remedial measures. Failing to get appropriate remedy the applicant moved this Tribunal for redressal of her grievance.

2. The respondents raised the plea of limitation and contended that the applicant's husband retired long before the establishment of the Tribunal. Even otherwise the claim of the applicant is stale and time barred. During the course of hearing also the respondents pleaded that it is difficult to place the facts before the Tribunal for want of the records. Time was given to the respondents to get hold of the records.

Mr S. Sarma, learned counsel appearing on behalf of the Railway Standing Counsel, took enormous trouble to get the records, but expressed his inability to get the records.

4. I have heard Mrs S. Deka, learned counsel for the applicant and Mr. S. Sarma, learned counsel for the respondents. The plea of limitation raised by Mr. S. Sarma is no doubt a substantial question of law. Predictability and certainty is one of the facets of law. But then, here the matter pertains to pension and other retiral benefits of an employee. Retiral benefit is not a bounty provided by the employer. It is a vested right of the employee. Non payment of pension is a wrong, a wrong of

continuing.....

continuing nature. In the circumstances the application cannot be dismissed on the score of limitation. However, on the basis of the scanty materials it is difficult to issue any direction on the respondents for giving the pensionary benefit to the applicant. The applicant referred to the provisional list of seniority of Khalasi (P) in the scale of pay of Rs.70-85/-(AS) as on 1.4.1965.

The said provisional seniority list indicates that the applicant's husband, Late Dwijendra Ray was born on 28.7.1926. He was appointed as Khalasi (P) on 22.8.1947.

The status of Late Ray was shown as a confirmed employee.

The said communication at column 6 also indicates that the length of non-fortuitous adjusted service in the grade was computed as 17 years 7 months and 10 days against the name

of Late Ray. If we go by that communication then the deceased husband of the applicant had rendered about twenty six years of service till 20.8.1972. But this is only a tentative finding. In my view the matter requires to be further probed which can only be done by the department and come to a definite finding on this.

5. The learned counsel for the applicant also referred to the factum of the applicant handing over the Quarter in which the family of Late Ray including the applicant lived in New Guwahati in 1973.

6. Considering all aspects of the matter I am of the opinion that this is a case which requires consideration at the hand of the respondents who are the lawful authority to take care of the situation. The applicant is accordingly directed to submit a representation narrating all the facts before the Divisional Railway Manager, N.E. Railway, Lumding within two weeks from the date of

receipt of the order. If such representation is made the Divisional Railway Manager shall consider the same sympathetically and pass appropriate order as per law to provide the palliative to the applicant and her family.

This direction is given on the peculiar facts of the case.

It is also expected that the respondent No.4 on receipt of the said representation shall take its decision as early as possible, preferably within four months from the date of receipt of the representation.

With the above observation the application stands disposed of. No order as to costs.

Sd/ VICE CHAIRMAN



RECEIVED

12/9/03

Section Officer (I)

C.A.T. & H.R. BANCH

Guwahati-781005

12/9/03

NORTHEAST FRONTIER RAILWAY

REGISTERED POST

EX-GRATIA PAYMENT.

No. PNO/PN/EX-GRATIA/Elec/81

Date

D/16/9-2005

To,
The Manager,

Panjab National Bank

Fancy Bazaar, Guwahati-01

Sir,

Office of the
F. A. & Chief A/c Officer
N. F. Railway, Maligaon
Guwahati-11

In terms of office Memorandum No. 4/1/87/P. & PW (PIC) Dated 13-6-88 of Ministry of Personnel, Public Grievances & Pensions (Department of Pensions & Pensioner's Welfare) circulated by the Railway Board vide their letter No. PC-IV/87/IMP/1 dated 30-6-88, I am forwarding herewith Ex-Gratia Payment Order No. PNO/PN/EX-GRATIA/Elec/81 dated 9-9-2005 (both disburser's portion and Ex-Gratia holder's portion) in favour of Shri/Smti. Renuka Roy along with two copies of photographs, specimen signature of the Ex-Gratia holder, descriptive roll non-remarriage certificate and sanction memorandum and application for credit of Ex-Gratia Rs 150/- P.M. w.e.f. (Rupees 01-01-86 to 31-12-97 and Rs 60.5/- P.M. w.e.f. 01-01-98) and Relief Rs 40.31-03-2004, thereof less Rs 908/- P.M. w.e.f. 01-04-2004.

Relief as per attached calculation sheet and thereafter as admissible from time to time.

per month in his/her S. B. Account No. 124765
Pay Branch at ZOB Road Branch

w.e.f. 01-01-86 till his/her death

or remarriage whichever is earlier.

Details are embodied in the Ex-Gratia Payment Order itself.

Please acknowledge receipt.

Yours faithfully,

Designated F. A. & O.A.O.

Copy for information to:

1. OPO/Budget/N. F. Railway/ Maligaon.
2. ADAO/G.H.Y.
- 3.

4. Shri/Smti. Renuka Roy 40 Mrs Shri Deka, Rukniganj, Guwahati.

He/She is requested to appear before Paying Branch of the Bank on receipt of advice from the Branch Manager.

5. Branch Manager P.N.B./ ZOB Road Branch, Guwahati-06 for information. He is requested to advise Ex-Gratia holder and credit Ex-Gratia amount in his/her Saving Account No 124765

for F. A. & Chief A/c Officer
N. F. Railway, Maligaon,
Guwahati-11

Attested by

Jahanara Nithi

24/7/06

To

The Divisional Manager,
N.F. Railway,
Lumding.

Sub :- Regarding non-payment of death-cum-retirement benefit in full to Smti Renuka Roy, the wife of Late Dwijendra Roy from the date of death i.e., w.e.f. 20.8.1972.

Ref :- Your No PNO/PN/EX-GRATIA/Elec/81 dated 16.9.2005.

Sir,

With reference to the above cited subject, I beg to state that I am very much obliged and grateful for your kind and sympathetic consideration in respect of payment of Ex-gratia pension w.e.f. 1.1.86 as death-cum-retirement benefit of my husband Late Dwijendra Roy. In this context I would like to mention here a few lines for favour of your further consideration and necessary action.

That Sir, my husband Late Dwijendra Roy, who died while in service on 20.8.1972, suffering from cancer leaving behind myself and two minor children. I had not received any benefit from the N.F. Railway after the death of my husband. I, therefore, approached before the Hon'ble Central Administrative Tribunal (CAT) by way of filing an application OA No. 268/02. The Hon'ble C.A.T. Vide Judgement dated 13.8.03 disposed of the case with a direction to submit a representation before the concerned authority to and directed the authority to consider my case sympathetically. Accordingly, your goodself passed an order sanctioning ex-gratia pension in my favour vide No. PNO/PN/Ex-GRATIA/Elec/81 dated 16.9.2005. As a result, I have received the Ex-gratia pension w.e.f. 1.1.86 till date leaving the period from the date of death of my husband i.e. 20.8.72 to 31.12.85.

That Sir, I respectfully beg to submit that my husband died on 20.8.72 as such I am entitled to get the pension with effect from the date of his death which is totally denied by the authority without any rhyme or reason.

Attested by
Bhutan N. D.
Advocate
29/9/06

Contd . . 2/-

(2)

That Sir, I received Ex-gratia payment w.e.f. 1.1.86 and only Rs. 1,20,000/- which is not adequate or reasonable. Because my husband was a permanent employee of the N.F. Railway, Lumding and died while in service completing the required qualifying service period for granting death-cum-retirement benefit.

I, therefore, earnestly request you to grant the pensionary benefit w.e.f. the date of death of my husband i.e., 20.8.1972 to 1.1.86 for ends of justice and oblige.

Date : 18/2/06

Yours sincerely,

R.T.I of
Smti Renuka Roy

(Smti Renuka Roy)
W/O Late Dwijendra Roy.
Resident of Rukminigaon
Cachar - 22.

Copy to

General Manager (P).

N.F. Railway

Malgao, Gwahati - 11