

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 286/06

R.A/C.P No.

E.P/M.A No. 19/07

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SECTION OFFICER (Judl.)

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH:

- ✓ 1. Original Application No. 286 / 2006
2. Mice Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) Smt. Madhavi Dhillon

Respondant(S) Uo 9 & ans

Advocate for the Applicant(S) Mr. J. Dhillon

Advocate for the Respondant(S) Raj. Counsel

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

This application is in form
is filed/C. F. for Rs. 10/-
deposited vide IP/BD
No. 412504
Dated 20.11.06

gum
Dy. Registrar

Steps taken

by
20.11.06

21.11.06

Heard learned counsel for the appli-
cant. Counsel for the Railways was rep-
resented.

Order passed kept in separate sheets
The O.A. is disposed of at the admission
stage itself in terms of the order.
No costs.

[Signature]
Vice-Chairman

bb

27.11.06
Copy of the Adst
forwarded over to the
1/Adv. for the parties
etc.

Recd.
TU
29.11.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

.....

O.A. No.286 of 2005

DATE OF DECISION : 21.11.2006

Smti Madhavi Dutta

Applicant/s

Mr J.Das

Advocate for the
Applicant/s.

- Versus -

N.F.Railway & Others

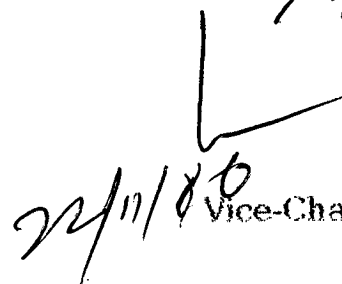
Respondent/s

Advocate for the
Respondents

CORAM

HON'BLE MR K.V. SACHIDANANDAN, VICE-CHAIRMAN

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 or Other Benches? ~~Yes/No~~
4. Whether their Lordships wish to see the fair copy
of the Judgment ? ~~Yes/No~~


Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.**

Original Application No. 286 of 2006.

Date of Order: This, the 21st Day of November 2006.

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

Smti Madhavi Dutta
Wife of Badal Kumar Dutta
Ex-Junior Engineer/II/C&W/N.F.Railway
Rangapara North
Dist: Sonitpur, Assam.

..... Applicant

By Advocate Mr.J.Das.

- Versus -

1. The Union of India
Represented by the General Manager
N.F.Railway, Maligaon.
2. The Divisional Railway Manager
N.F. Railway, Rangiya.
3. The Chief Personnel Officer
N.F.Railway
Maligaon.

..... Respondents

Dr.J.L.Sarkar, Standing counsel for the Railways.

ORDER (ORAL)

SACHIDANANDAN, K.V., (V.C.):


The applicant is the widow of a deceased ex-employee of the N.F.Railway. The case of the applicant is that upon the retirement on superannuation of her husband late Badal Kumar Dutta on 31.5.2004 he

✓

was not granted his retirement benefits such as encashment of Leave salary, Package allowance, retiring Traveling Allowance, Over Time bill, Bonus etc. Her husband filed an O.A. No.329/2004 before this Tribunal wherein this Tribunal vide order dated 22.12.2004 directed the respondents to dispose of the representation pending before them within a time frame with a further direction to file compliance report within a specified time. On 15.5.2005 counsel for the Railways made representation before Court that orders of this Tribunal had been complied with and hence the O.A. was closed. But actually only DCRG was paid but not the other benefits claimed in the aforesaid O.A. The husband of the applicant was run over by the train in the Rangapara Railway station and died. Therefore, the applicant is constrained to file the present O.A. seeking payment of the retiral benefits of her late husband.

2. I have heard Mr.J.Das, learned counsel for the applicant. Dr. J.L.Sarkar, learned Standing counsel was represented on behalf of the Railways. Counsel for the applicant submits that though he has made a request directly to this Court, he has not made any representation before the respondents. Therefore, he submits that applicant will be satisfied if a direction is given to her to file a representation before the respondents which shall be disposed of by the respondents within a time frame.

3. Considering the facts and circumstances of this case and the pathetic situation of the applicant this Court directs the applicant to make



a comprehensive representation alongwith the copy of this O.A. and other documents directly to the General Manager, N.F.Railway within two weeks from today. Upon receipt of such representation the said authority bestowing his personal interest will consider and dispose of the representation within a period of two months thereafter.

The Original Application is disposed of as above. There shall be no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

/BB/

2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH,
GUWAHATI

O. A. No. 286 of 2006

Smt. Madhavi Dutta Applicant

- Vrs -

Union of India and Others Respondents

I N D E X

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Filed by :

Date : 17/11/06

Place :



Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.
GUWAHATI

O.A.No. 286 of 2006

Smti Madhavi Dutta.....Applicant.

-Vrs-

Union of India and Others.....Respondents

Synopsis & Chronological dates of the Case.

Sl. No	Date.	Particulars	Annexure	Page.
1	31.5.04	Applicant's husband Sri Badal Kr. Dutta, Ex-Junior Engineer// /C&W/N.F.Rly. Rangapara North, retired from service on superannuation.	-	
2.	-	On the day of receiving the final settlement dues of the retirement the Respondents paid only the amount of Provident Fund, Commutation value of Pension and Group Insurance Money, without the payment of DCRG, encashment of Leave-Salary, Package allowances retiring Travelling Allowances, Over time Bill, Bonus for the year 2003-2004 and Other dues payable as per prevailing System of the Railways.	-	
3.	-	After approaching and submitting representations to all concerned authorities the Applicant's husband could not get any response from the Respondents.	-	
4.	22.12.04.	On being aggrieved the husband of the Applicant filed O.A. No.329/2004 before CAT, Guwahati and His Lordship was pleased to order for releasing all the pending retirement dues by the Respdts -		
5.	15.2.05.	Within the period of 4 months. Payment of CTG and arrear OTA for Rs.12,378/- paid by the Respd. The Respondents submitted before the Court that they complied with the Court's direction in O.A.No. 329/04 and prayed for closing of the case.	Annexure-A. Annexures-I,J, Annexure-B	
6.	19.5.05.			
7.	9.3.06.	The husband of the Applicant being severely depressed and mental agony and anxiety due to non-receipt of his pending retirement dues and solemnizing the imminent marriage ceremony of his only daughter was run over at Rangapara Railway Station on		

Platform No.1 by the Train of 5815 DN
Mail Passenger Train.

Police verification report, P.O.Report
and death Certificates are annexed as. Annexures-F,G,H.

8.

Being aggrieved for not getting any
susceptible response from the any
of the corners of the Respondts.
Rly. Administration, the Applicant
Finding no other alternative has
Approached this Hon'ble Tribunal
For justice and redressal of her
grievances after loosing her husband ,
a sincere and devoted Railway worker
during his life time, with the very
wretched condition of surviving with
a marriageable daughter and unemp-
loyed young son. In this connection
the Applicant begto submit that her
husband, the deceased B.K.Dutta, much
ahead of his retirement vacated the Rly.
Quarters and got necessary clearance
from the Respdts. Inspite of which the
Respondts, have withheld the balance
Retirement dues of her husband mentioned
in this Application. Photocopies of the
Clearance Certificate of the quarter
Vacation report are annexed as

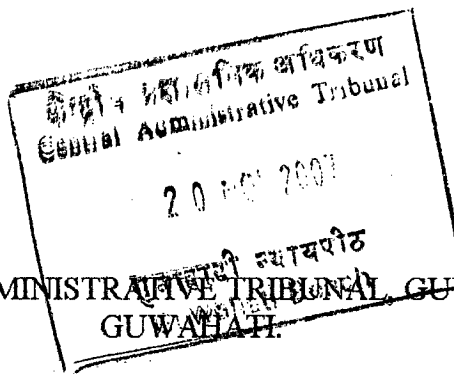
Annexures-D & E.

Date: 18/11/06

Filed by.

Place: Guwahati.


Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

(An Application Under Section 19 of the Administrative Tribunal Act, 1985),

O.A.No. 286/2006.

Smti Madhavi Dutta,
W/o, Late Badal Kumar Dutta,
Ex-Junior Engineer/II/C&W/N.F.Railway,
Rangapara North.Dist. sonitpur, Assam.

.....Applicant.

Versus

1. The Union of India, representing by
The General Manager, N.F.Railway,
Maligaon..

2. The Divisional Railway Manager,
N.F.Railway, Rangiya.

3. The Chief Personnel Officer,
N.F.Railway, Maligaon.

.....Opposite Parties/Respondents.

1. Details of Application is made:

1. The Hon'ble Central Administrative Tribunal/Gauhati's order dated 22.12.04 in O.A 329/04 (ANNEXURE-A) for release of the retirement dues by the N.F.Railway Administration to Sri Badal Kumar Dutta, Ex-Junior Engineer/ II/C&W/N.F.Railway, Rangapara North, now deceased.

Copy of the order dated 22.12.04 is annexed as ANNEXURE-A.

2. Jurisdiction.

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

Contd....p/2....Limitation...

filed by the
applicant through
Advocate
Sri P. K. Inab

31-5-04

329/04-43

3. Limitation.

The Applicant submits that the application has been filed within the limitation period prescribed Under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts.

4.1. That the Applicant is a citizen of India and is, therefore, entitled to all the rights and privileges guaranteed to the citizens of India under the Constitution and other statutory rights, laws & Rules..

4.2. That the Applicant is the wife of Late Badal Kumar Dutta, Ex-Junior Engineer/II/C&W/N.F.Railway/Rangapara, an employee of the N.F.Railway Administration in the capacity of Junior Engineer/II/C&W retired from his service on superannuation on 31.05.2004 and due to non-receipt of his "just dues" to the full and final satisfaction by the Respondents in spite of his repeated approaches to all concerned authorities and due to which reasons became a victim of the railway accident due to the Administrative lapses on 9.3.06 and the present Applicant, therefore, has approached this Hon'ble Tribunal for justice..

4.3. That it is humbly submitted that the husband of the Applicant Late Badal Kumar Dutta retired from service on 31.5.04 on superannuation and as per prevailing system of the railways on the last working day of the employee the retirement dues are paid to each and every employee. But it is astonishing that when the husband of the Applicant attended the ceremonial function for the retired employees to receive his final settlement dues he was paid only the Provident Fund, Commutation value of Pension and Group Insurance money, without the payment of DCRG, encashment of Leave-salary, Package allowance, retiring Traveling Allowance, Over Time bill for Rs.7,000/-, Bonus for the year 2003-2004 and all other dues payable as per prevailing system of the Railways. On enquiry the deceased railway employee, the husband of the Applicant, the Administration could not give any satisfactory reply to satiate his query and thereby put him into stringent economic hardships and mental depression, after serving sterling services all through his life to the Railway Administration till his superannuation..

4.4. That after approaching and submitting representations to all the concerned authorities for about seven months the husband of the Applicant could not find any other alternative but to approach this Hon'ble Tribunal and filed O.A. No.329/04.

4.5. That it is submitted gratefully that this Hon'ble Tribunal was kind enough to direct the Respondents for payment of withheld retiring dues of the husband of the Applicant Late Badal Kumar Dutta, a devoted Railway employee, within a period of four months from the date of receipt of the order.

4.6. That His Lordship of this Hon'ble Tribunal was kind enough also to know the compliance report from the Respondents after four months of his order dated 22.12.04.

Photo copy of which has been annexed as ANNEXURE-A.

4.7. That the Respondents' Railway Administration in spite of the aforementioned order of this Hon'ble Tribunal in the aforementioned O.A did not do anything in respect of making of payments of the deceased railway employee Badal Kumar Dutta's retiring dues in full and final satisfaction of his claim as admissible as per prevailing system of the Railway's own set of Rules itself till date save and except the DCRG money amounting to Rs.1,38,097.00, leaving the balance amount of Rs.32,233/-, in addition a sum of Rs.12,378/- for CTG and arrear over time allowance and Bonus for Rs.4849/- on 21.12.04 and 28.4.05 respectively, and no reason was shown as to why the balance amount of DCRG, encashment of leave-salary for 300 days, retirement Travelling allowances & package allowances as per Rules.

4.8. That it has been since come to the knowledge of this humble Applicant that the Respondent's N.F.Railway Administration have misrepresented the fact before this Hon'ble Tribunal on 19.5.05 and stated that the Respondents had complied with the direction of this Hon'ble Tribunal and therefore the O.A. can be closed and accordingly his Lordship closed the case, albeit, in fact the picture was altogether different and very sorrowful for this surviving bereaved family.

A photocopy of this Hon'ble CAT's order dated 19.5.05 is annexed as ANNEXURE-B.

4.9. That detailing the whole fact in very sorrowful condition for survival of this bereaved family of Late Badal Kumar Dutta who died in harness because of the Railway Administration's lapses for not providing sufficient security and safety arrangements to arrest any untoward incident of happening accident by the railway Engine or Railway Trains or by any Locomotives near the station area which remains fully crowded round the clock and there was no other alternative route for the railway employees and their dependents to pass through or cross over at their exigencies, this humble Applicant

13/12/05
In
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submitted an application detailing the whole fact enclosing the relevant Annexures for kind perusal and sympathetic consideration of your Lordship of this Hon'ble Tribunal.

Photocopy of the above representation addressed to your Lordship dated May, 2006 is enclosed as ANNEXURE-C for your kind perusal.

4.10. That getting no response from any corner and finding no other alternative way of getting the "just dues" of the deceased husband of this Applicant, this humble Applicant has been compelled to approach this Hon'ble Tribunal for looking into the matter sympathetically and after examining the whole case on merits and with correct discernment to pass appropriate orders in the matter for releasing the outstanding dues of Late Badal Kumar Dutta to his wife, this Applicant, with interest at the prevailing market rate from the date of his retirement till payment of the whole amount on full and final satisfaction of the claim including the interest on the amount already paid to Sri Badal Kumar Dutta since deceased, because of the delay in payment of the retirement dues as per law of the land and the prevailing system.

4.11. That in this connection it is further submitted that the question of non submission of the quarter vacation report as raised by the Respondents, as was heard by this Applicant from her husband, does not arise at all as it was a vague plea by the Respondents. The husband of this Applicant was very much particular in surrendering his railway quarter and vacated the possession and got a clearance certificate from the N.F.Railway Administration much ahead of his retirement date on superannuation.

Photocopies of the clearance of the quarter vacation report are submitted herewith once again as ANNEXURES-D AND E.

4.12 That it is submitted that the Police Verification, Post Mortem Report, Death Certificate of the deceased Badal Kumar Dutta, the husband of the Applicant, and the Forwarding letter of part payment of DCRG, CTG & arrear OTA are enclosed as ANNEXURES-F,G,H,I,J for your kind perusal.

4.13. That in this connection it is submitted that representations were given to General Manager, N.F.Rly., Maligaon and Divisional Railway Manager, N.F.Railway, Rangiya for release of the outstanding dues of my Late husband at the earliest and appointment of my son on compassionate ground ; but no reply has been received from them nor the dues paid as yet.

Photocopies of above are annexed as Annexures-K & L.

4.14. That it is submitted that the Respondents have violated the infringement of Section 7, more particularly, 7(3) and 7(3)(a) of the Payment of Gratuity Act, 1972, wherein the provisions have been mentioned that for the culpable delay by the employer of the employee for payment of Gratuity from the due date shall have to be paid at simple

37-12-2006

submitted an application detailing the whole for enclosing the relevant documents for
kind please to sympathetic consideration of your Lordships of the High Court
Photocopy of the above report is addressed to your Lordship dated 1957
1006 is enclosed as ANNEXURE-C for your kind perusal.

4.10. That getting no response from any court and finding no other alternative way of
getting the "just dues" of the deceased husband of this Applicant this Applicant
has been compelled to approach this Hon'ble Tribunal for looking into the matter
sympathetically and after examining the whole case on merits and with correct
discretion to pass appropriate orders in the matter for restoring the outstanding dues of
Late Bhabai Ramji Datt to his wife this Applicant with interest at the prevailing market
rate from the date of his retirement till payment of the whole amount on full and final
satisfaction of the claim including the interest on the amount already paid to Sh. Bhabai
Ramji Datt who deceased because of the delay in payment of the retirement dues as
per law of the land and the prevailing system.

4.11. That in this connection it is further submitted that the question of non submission
of the proper pension report as raised by the Respondent as was stated by this
Applicant from her husband does not arise at all as it was a vague plea by the
Respondent. The husband of this Applicant was a very much participant in surrendering his
railway claim and vacated the pension on and got a clearance certificate from the
M.F.Railway Administration much ahead of his retirement date on separation.

Pro-tem of the clearance of the pension pension report was submitted
herewith as ANNEXURE-D AND E

4.12. That it is submitted that the Police Investigation Report, Pension Report, Death
Certificate of the deceased Bhabai Ramji Datt the husband of the Applicant and the
forwarding letter of her husband of DCR, CIO or other OIA are enclosed as
ANNEXURE-F, G, H, I for your kind perusal.

4.13. That in this connection it is submitted that representations were given to General
Manager, M.F.Railway, Jalgaon and District Railway Manager, M.F.Railway, Bham
for release of the outstanding dues of my late husband to the extent my appointment of
my son as compensation on ground that no reply has been received from them for the dues
kindly as yet.

The copies of above are enclosed as Annexure-K & L.

4.14. That it is submitted that the Respondent have violated the retirement of
Section 7 (a) (i) (b) (c) and (d) of the Payment of Gratuity Act, 1972
whereas no provisions have been mentioned for the culpable delay by the employer
of the employer for payment of Gratuity from the date when he was to be paid the gratuity.

Copy of this interest.

11G 412504

interest rate, although the Hon'ble Apex Court in their celebrated judgment on different occasions mentioned that, market rate interest shall have to be paid on the final settlement dues by the employer if it is found that the delay was made beyond two months and there were no fault on the part of the employees and/or their family members.

4.15. That inspite of the above statutory provision and Railway's own set of Rules and Codified laws and the prevailing system of the Respondent, the Respondent, more particularly the Respondent No.2, deliberately and with wanton attitude have not taken any initiative or to give response in respect of the Applicant's approaches for final settlement of her husband's dues till today which, rather, postulates to be of clandestine motives, whims and caprices of the Respondents.

4.16. That it is submitted that the Respondents have clearly proved their unfair play and have not shown any equitable justice to the Late deceased Railway employee for getting his rightful claim, their to speak of on time as per Rules, but also even till his sorrowful death collided by the Railway Shunting Engine.

4.17. That it is submitted that the conduct of the Respondents, more particularly the Respondent No.2 have invited the infringement of Constitutional Provisions under Articles 14,21 and 309 of the Constitution of India for the reasons mentioned in the foregoing paragraphs.

4.18. That his humble Applicant respectfully prays and craves the leave of this Hon'ble Tribunal to file additional Written Statement/Rejoinder, if necessary.

4.19. That this Application is made bonafide and for the cause of the justice.

5. Grounds for relief :

5.1 For that the Applicant's husband Sri Badal Kumar Dutta who met with very sorrowful death because of the callousness and lack of security and safety of the N.F.Railway Administration which caused the miserable death of his life, because of his melancholy strain, tension and depression for non-receipt of retirement dues from his employer, the Respondents Railway Administration on time and even after filing the Original Application before the CAT, Guwahati under O.A.No.329/04 and getting a favorable order in his favour.

37-12-2018

5.2. That the Respondents made a false declaration before this Hon'ble Tribunal regarding compliance of the Hon'ble CAT's order dated 23.12.04 to satiate the payment of full and final satisfaction of the claim of the deceased railway employee Sri Badal Kumar Dutta in respect of his retirement and other dues withheld by the Respondents-Railway Administration unlawfully and arbitrarily.

5.3. For that the Respondents did not pay any heed to the humble approaches of the husband of this Applicant for clearing his balance amount of Death and other retiring dues on the eve of solemnizing his daughter's marriage ceremony and as a result of which because of paucity of fund and mental depression caused by the Respondents inaction and wanton attitude he met with an untoward incident of accidental death by a shunting Engine of the Respondent.

5.4. For that the Applicant is the legal heir and survivor of the deceased railway employee and is fully entitled to receive all the dues of her husband who had culminated a sterling service to the cause of the Respondents Railway administration.

5.5. For that inspite of non-payment of the withheld retirement dues of the husband of the Applicant and suffering of the family due to indifferent and callous attitude of the Respondents for arranging the payment of the balance amount of the lawful claim of the deceased railway employee Badal Kumar Dutta.

5.6. That the respondents have violated their own prevailing system and flouted the set of Rules for the Central Government Employees.

5.7. That the Respondents have caused the infringement of Article-14, 16(1), 21, 309 of the Constitution of India and thereby made discrimination with the Applicant's husband and thereby caused ultra vires.

6. Details of remedy exhausted:

The Applicant humbly declares that she has exhausted all the remedies available and finding no other alternative remedy and excepting under the Article 21 of the Constitution of India the Applicant has approached this Hon'ble Tribunal for filing this Original Application for the ends of justice.

7. **Matters not previously filed or pending with any other court:**

That the Applicant further declares that save and except the filing of O.A. No.329/04 by her husband Sri Badal Kumar Dutta as mentioned above, she has not filed any other Application, Writ Petition or Suit before any Court of Law or any other authority or any other Bench of the Tribunal regarding the subject matter of this Application nor any such application, Writ petition or Suit is pending before any of them.

8. **Relief(s) sought for:**

Under the facts and circumstances stated above, the Applicant humbly prays that your Lordship be pleased to admit this Application, call for the records of the case and issue Notices to the Respondents to show cause as to why the relief(s) sought for in this Application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s), among with others:

8.1 To pay the balance amount of DCRG money of Rs.33,233/-, the encashment of Leave-Salary of 300 days on the Pay Scale at the time of retirement of the deceased railway employee, the retirement Traveling allowance/DA as per Rules, package allowance as admissible as per Rules.

8.2. Interest at the prevailing market rate on the full amount of retirement dues not paid to him on the scheduled date as per Rules and shall have to be paid from the date of his retirement till payment of the full and final satisfaction of the claim of this humble applicant, in addition to the interest on payment of amount already made because of the culpable delay by the Respondents in making payment on time after the retirement of Sri Badal Kumar Dutta as per Rules.

8.3. Any other relief as admissible as per Rules as this Hon'ble Tribunal may deem fit and proper.

9. **Interim Relief:**

This Hon'ble Tribunal may be pleased to grant interim order to the Applicant as deem fit and proper.

// 8 //

10. Particulars of Application fee:

Indian Postal Order No. 612504

2. Date of issue. 21.11.06

3. Issued from.....

4. Payable at.....

11. Details of Index.

An Index in duplicate containing the details of the documents to be relied upon is annexed.

12. List of Annexures:

A,B,C,D,E,F,G,H,I,J,K,L.

VERIFICATION.

I, Smti. Madhavi Dutta, Wife of Late Badal Kumar Dutta, aged about 56 Years, resident of Rangapara North, Ward No.2, Near Lokenath Mandir, P.O. Rangapara Dt. Sonitpur, Assam, do hereby solemnly affirm and verify that the contents of paragraphs 4.1 to 4.13 are the facts of the case and true to my knowledge, information and believe and that I have not suppressed any material facts and the paragraphs 4.14 to 4.19 are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this Application on this 18th day of Nov, 2006.

Place: Guwahati.

Date. 01.12.2006.

31/12/06-43

SIGNATURE OF THE APPLICANT.

To

The Deputy Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

FORM NO. 4

(See Rule 42)

ANNEXURE-A

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

329/2004 OF 199

Applicant(s)

Sr. B.K. Dutta

Respondent(s)

Union of India & ors

Advocate for Applicant(s)

Mr. K.K. Biswas, Advocate,

Advocate for Respondent(s)

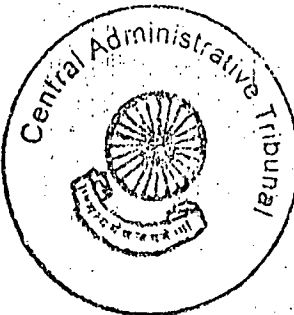
Mr. J. L. Sarkar, Rly. S. e.

Notes of the Registry

Date

Order of the Tribunal

22.12.2004 present; The Hon'ble Mr. K.V. Prahlan, Member (A).



Heard Mr. K.K. Biswas, learned counsel for the applicant and also Mr. J.L. Sarkar, learned counsel for the Railways.

The application has been filed praying for direction upon the respondents for payment of withheld D.C.R.G. and leave salary payable to the applicant. The applicant had already submitted 2 (two) representations dated 18.6.2004 and 28.7.2004 to the Divisional Railway Manager, N.F. Railway, Rangiya for payment of withheld D.C.R.G. and leave salary, but respondents have not disposed of the same as yet.

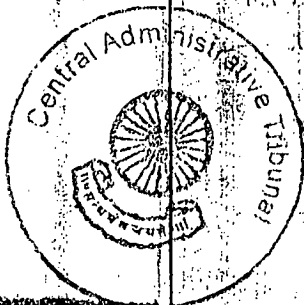
In my considered view ends of justice will be met, if a direction is issued to the respondents to dispose of the afore-said representations dated 18.6.04 and 28.7.04 by a speaking and reasoned order

lwp

Contd./2



Date	Order of the Tribunal
Contd. 22.12.04	<p>within a period of four months from the date of receipt of this order. The application is disposed of in aforesaid terms at the admission stage itself.</p> <p>Respondents shall file compliance report after four months from the receipt of the order which shall be listed on Board for that purpose only. A copy of the order shall be furnished to learned counsel for the Railways.</p>



Sd/MEMBER (ADM)

TRUE COPY
प्रतिनिधि

[Signature]
23/12/04

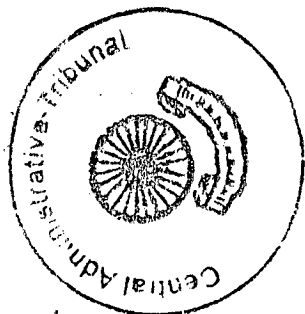
Section Officer (J)
C.A.T. GUWAHATI BANCH
Guwahati - 781005

[Signature]
23/12/04

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 329/2004 DE 109Applicant(s) Sri B.K. DuttaRespondent(s) Union of India & orsAdvocate for Applicant(s) Mr. K.K. Biswas, Advocate,Advocate for Respondent(s) Mr. J.L. Sarkar, Rly. S. r.

Notes of the Registry

Date

Order of the Tribunal

19.5.05

Though this case is not in the list today, Mr. J.L. Sarkar, learned counsel for the Railways submits that respondents have complied with the directions and therefore this O.A. can be ~~stays~~ closed. Mr. Sarkar further submits that this was informed to Mr. K.K. Biswas, learned counsel for the applicant by him.

In this circumstances this case was called and the O.A. is closed.

Sd/VICE CHAIRMAN

Sd/MEMBER (A)

Date of Application : 9-5-06Date on which copy is ready : 7/5/06Date on which copy is delivered : 19.5.05

Certified to be true copy

Section Officer (Judl)

C. A. T. Guwahati Bench

Guwahati



To

Shri K.V. Sachidanandan
The Hon'ble Mr. Justice and Vice Chairman,
Central Administrative Tribunal
Guwahati Bench, Rajgarh Road,
Guwahati.

Respected Lordship,

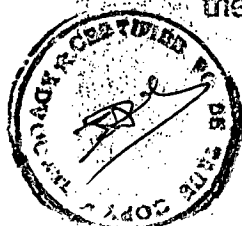
Sub :- Non-payment of the retiring dues of Late Badal Kr. Dutta, Ex-Junior Engineer/II/C&W/NF Railway/Rangapara North in spite of Hon'ble CAT/Guwahati's Order dated 22.12.04 in O.A. No.329/2004 within a period of 4 months by the Respondents, N.F. Railway Administration.

1. At the outset this most unfortunate and bereaved woman of the Applicant Badal Kr. Dutta, the Applicant of the O.A. No.329 of 2004 of your Hon'ble Tribunal, profoundly seeks your magnanimity and kindness to be apologized for intruding upon your most valuable time for submitting this humble petition for your kind intervention in the matter and redressal of this helpless and bereaved lady.

2. My Lordship, that my husband late Badal Kr. Dutta retired from service on 31.5.04 on superannuation and as customary and prevailing system of the Railways when he attended the ceremonial function for the retired employees to receive their final settlement dues, my husband received only Provident Fund, Commutation Value of Pension and Group Insurance Money, without the payments of DCRG, Leave-Salary, Package allowances, retirement Travelling Allowances Over Time Bill for Rs. 7,000/-, Bonus for the year 2003-04 and all other dues payable as per prevailing system of the Railways. On enquiry by my husband the administration observed mute silence and did not response for his constant approaches and representations for about 7 months.

3. That My Lord, finding no other way my husband was constrained to file the above O.A. in your Tribunal for justice and the then Vice-Chairman Hon'ble Mr. Justice G. Shiva Rajan was very much kind enough to direct the Respondents for payment of withheld retiring dues of my Late

Contd.....P/2..husband



12

// 2 //

husband within a period of 4 months from the date of receipt of his order and he was kind enough also to know the compliance report from the Respondents after 4 months of his order dated 22.12.04

A photocopy of the above order is enclosed as ANNEXURE-A for your kind perusal.

4. That the above order of your Hon'ble Tribunal was sent to Divisional Railway Manager, N.F. Railway, Rangiya by my husband's learned Advocate on 30.12.2004.

A photocopy of the Advocate's letter is enclosed as ANNEXURE-B.

5. That the administration inspite of the aforementioned order of this Hon'ble Tribunal did not do anything in respect of making of payment of my husband's retiring dues pending with the Respondents-N.F. Railway till date.

6. That it has since come to my knowledge that the Respondents N.F. Railway Administration have misrepresented the fact before your Tribunal on 19.5.05 and stated that the Respondents had complied with the direction and therefore the O.A. could be closed and accordingly His Lordship closed the case. But my Lord, the picture was altogether different and very sorrowful.

A photocopy of this Hon'ble CAT's order dated 19.5.05 is enclosed as ANNEXURE-C for your kind perusal.

7. That my Lord, after filing the above O.A. in your Hon'ble Tribunal my husband further receipt only DCRG money amounting to Rs. 1,38,097.00/-, leaving the balance amount of Rs. 32,233/-, the reasons of which has not been disclosed in the Respondents' letter dated 15.09.04. In addition a sum of Rs. 12,378.00/- for CTG and Arr. OTA and Bonus for Rs. 4849.00/- on 21.12.04 and 28.04.05 respectively.

Contd.....P/3..Photocopies.

2 132

// 3 //

Photocopies of the said letter CTG and Arr. OTA are enclosed as ANNEXURE-D & E respectively.

8. That because of the too much mental agony and economic hardships for not getting the retiring dues in addition to having one aged son being out of employment and a marriageable daughter still unmarried, my husband became so much mentally disturbed and unbalanced that on 09.03.2006 while crossing over the Railway line near Rangapara Railway Station he was run over by a Shunting Railway Engine, just immediately after the date fixed for his daughter's marriage the previous night to be solemnized on 12th June, 2006.

Photocopies of the Police Report and the Post Mortem report and Death Certificate are enclosed as ANNEXURE-F, G & H.

9. That my Lord, most sudden and most unexpected sorrowful death of my husband made this entire family to so much struck dumb that we are at loss what to do and have come to a halt.

10. That my Lord, this humble and bereaved widow of the Applicant in your humble Tribunal without knowing anything proper course to be taken to get my deceased husband's dues from the Railway Administration has come with folded hands for your mercy to look into the matter and help this bereaved lady with her children to survive on receipt of the retiring dues of my late husband kept withheld by the N.F. Railway Administration for no fault of his own. The question of no-submission of the quarter vacation report as was heard from my husband earlier raised by the N.F. Railway Administration was a vague plea, as before one year of his retirement he vacated the quarter and got a clearance certificate from the N.F. Railway Administration.

Photocopies of the clearance certificate of the quarter vacation report are submitted herewith as ANNEXURE-F & G, for your kind perusal.

Contd.....P...My Lord

2-142
// 4 //

11. My Lord, once again this bereaved and most unfortunate woman with folded hands pray before Lordship to apologize her for taking your most valuable time and also praying for justice in the matter from your benign and helping hands in the name of Lord Almighty and JUSTICE.

With all humility and regards.

Encls : 8 (Eight) as above.

Dated : . 05.2006.

Yours faithfully,

Sd/-
Sd/-

(MADHANI DUTTA)
W/O. Late Badol Kumar Dutta,
Ex-Junior Engineer/IZ/CGM/N.E. Railway
Gangpara North, Ward No.2, Near Lokenath Mandir,
P.O. Gangpara, D.L. Sonitpur, Assam.

No : WS/R/Q/1

Office of the
SE (W) RPAN

Dt. 23.4.04.

To,

DRM (P) RNY
N. F. Rly.

Sub :- Clearance Certificate.

This to certify that the Rly. Quarter No. 25/A Type-I electrified at Taltala Colony/RPAN has vacated by Sri Badal Kr. Dutta, JE/II/C&W/RPAN on 28.4.03.

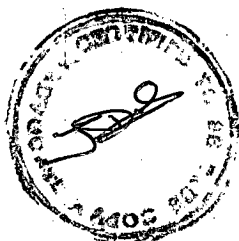
The engineering fittings of the above said Quarter are found correct and plinth area is 35.04 Sqm.

Sd/-
Section Engineer (Works)
N.F.Railway, Rangapara North

Copy to :- Party Concerned.

Sd/-
Section Engineer (Works)
N.F.Railway, Rangapara North

*Photocopy of the original
is placed below*



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ANNEXURE - D

NA: W/P/A/2/1

To,

ARM (P) AND
N.F. Rly.

Office of The
SE (W) RPN
Dt. 23.4.04.

Sub Clearance Certificate

This is to certify that the
Rly. Quarter No. 25/A Type-2 classified
at Taltola Colony RPN has vacated
by Sri Badat K. Dutta TE/II/CW
RPN on 28.4.03.

The engineering fittings of
the above quarter are found
correct and plant area is 35.04 Sq.

जनमान सम्मान (ग)
ए.पी. रेलवे इलाका नथ
Section Engineer (Works)
N.F. Railway Kharagpur North

Copy to - Party concerned

जनमान सम्मान (ग)
ए.पी. रेलवे इलाका नथ
Section Engineer (Works)
N.F. Railway Kharagpur North



= 16 =

No. : RP/FS/Bill/Pt.-18

Date : 02-02-04

From : SE/Elect.

To : DRM(P)RNY(FS)

RPAN

Sub :- Final elect. Bill clearance.

Sending herewith final Elect. Bill clearance in favour of Sri Badal Kr. Dutta JE/C&W/RPAN period 1st APR/03 to 28/3/03 with arrear Rs.653/- (Rup. Six hundred fifty three only) for your disposal and necessary recovery please.

No any other Electrical dues laying against him.

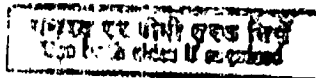
Sd/-

Section Engineer (Elect.)

N.F.Railway, Rangapara North

Photo copy of the original is placed below.





पू. सी. रेलवे
N. F. Railway

पू. सी. रेलवे, रंगपुरा नॉर्थ
N. F. Railway, Rengas North

Ref: RA/ES/611 Pt-18

Date: 02-02-04

Subject: SE/Elect

DRM(P) RMY (ES)

ROAN

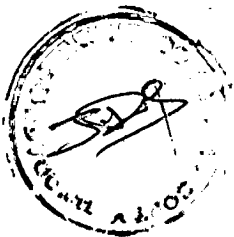
Final Elect. bill Clearance

Sending here with final
Elect. bill Clearance in favour of
Sri Badal Kr Dutta JE/CW
ROAN Period 1st APR/03 to 28/3/03
with arrears RS=653/- (Rupee Six
hundred fifty three only) for
your disposal and necessary
recovery please

No any other Electrical dues
laying against him.

Section Engineer (Elect.)

पू. सी. रेलवे, रंगपुरा नॉर्थ
N. F. Railway Rengas North



To
The Office-In-charge
Govt. of Railway Police
Rangapara North.

Sub :- Prayer for Police report in connection with run over case of Late
Badal Kumar Dutta.

Sir,

With due respect I, Sri Ashis Kumar Dutta, son of Late Badal Kumar Dutta of Ward No. 2 Taltala Colony would like to submit the following few lines for your kind information and sympathetic consideration please.

That Sir, my father named Late Badal Kumar Dutta, Ex. JE/I/C&W/RPAN was run over by the Train Engine of 5815DN Mail Passenger train on Platform No. 1 of Rangapara North station on 09.03.2006. The body was sent for Post Mortem at Tezpur Civil Hospital and was cremated at Rangapara on 09.03.06.

That Sir, I would request you kindly to issue me a Police report in this connection for my further action please and oblige.

Thanking you,

Yours faithfully,

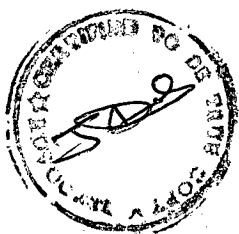
Rangapara North
Date 26th April / 2006.

Seen and

Received the letter from the son of the deceased and a point given by the I/O of the case. Case No. 2/06 U/D of Rangapara/GRPS after completed the investigation of the case and opinion of the Doctor the case is knock down and killed by train engine on the date of occurrence.

Sd/-
2/5/06
Officer-In-Charge
Rangapara North G.R.P.S.
Dist. Assam G.R.P.

Final report submitted on 2/5/06 to DM Tezpur Court Dist. Sonitpur (Assam).



*Photo copy of the
original is placed below.*

-173

ANNEXURE - F

TO,
The Office-In-charge
Govt. of Railway Police
Rangaparanorth.

Sub:- Prayer for Police report in connection
with run over case of late Badal
Kumar Dutta.

.....

With due respect I. Sri Ashis Kumar Dutta,
son of late Badal Kumar Dutta of Ward No. 2 Taitela Colony
would like to submit the following few lines for your kind
information and sympathetic consideration please.

That Sir, my father named late Badal Kumar
Dutta, Ex: JE/I/CSW/RPAN was run over by the Train Engine of
5815DN Mail Passenger train on Platform No. 1 of Rangaparanorth
station on 09.03.2006. The body was sent for Post Mortem at
Tezpur Civil Hospital and was cremated at Rangapara on 09.03.06.

That Sir, I would request you kindly to
issue me a Police report in this connection for my further
action please and oblige.

Thanking you.

Yours faithfully,

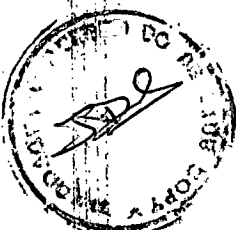
Rangaparanorth.

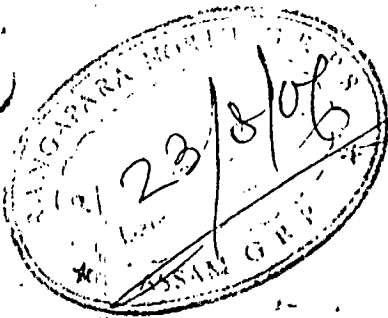
Date 26th April/2006.

Ashis Kumar Dutta
30/4/06

I received the letter from you on 26/4/06 and I am sorry to hear about the death of your father. I have no doubt that the railway police will investigate the matter and issue a report. I am sure you will be satisfied with the result. I am sorry for the loss of your father.

*Submitted to
2/5/06
Final report
on 2/5/06
Copy - 12/5/06
Submitted to
2/5/06
Submitted to
2/5/06*





17/1

Allyance of way Concurrence

Carriage No. 101 - 9/3/06
at 7.55 AM - (1) Baidal & Laxmi Datta
& (2) Prabhat Chandra Datta &
Jal to the Colony road no 11 & no.
25 (A) PO. PS Rangapara Dist.
Smitpur Bishan; examine
due to Ranover by a truck.
Explain no 409 of Rangapara.
Raj. Station in 102

The case is referred to
Police report to Rangapara Court
on 2/8/06 it is a accidental
death.

The deceased was a self-emp-
loyed person in the year 2004.
During investigation
there was no any foul play
of the person. It is his self-
made accident.



23/8/06
a/c Rangapara, Dist.
Officer-in-Charge
Rangapara North G.P.S.
Dist. Assam G.P.S.

Kanaklata Civil Hospital, Te

Day of 9th March 2006

Age, sex, and caste	Whence brought Village and Thana	Name of constable by whom brought and names of relatives accompanying	DATE AND HOUR OF			Information furnished by Police	By whom identified before Medical Officer
			Despatch	Arrival at dead house	Examination		
Badal Ku Dutta male, 66 years Hindu	3/6 D/L Prabhat Ch Dutta Rangapara Taluk Rly Colony Santipur	17 UBC/171 Narayan Haloi 27 Sri Biman Mondal	9-3-06	9-3-06	9-3-06	As per inquest report	17 UBC/171 Narayan Haloi 27 Sri Biman Mondal

B. - Observe the state of all the organs and when no disease injury is found write "Healthy"

I - EXTRANAL APPEARANCE

1 - Condition of subject stout, emaciated, decomposed, etc.	2 - Wounds - position, and character.	3 - Bruise - position, size and nature	4 - Mark of ligature or neck dissection, etc.
An disfigured male Dead body of age about 66 years with skull absent, N by eye is also absent, N by hair known computed, N by wings, malar bone	17 Skull Head - exposed Antero-posteriorly with about of vault of skull and brain matter and N by eye skin margin is ragged 27 Lacerated injury over orbit at the level of orbita with penetrated eyeball and N by with breast cut by N by with interesting brown cut of body cavity. Lower abdomen is lacerated.	37 Amputation of RSH leg at the level of knee with ragged skin margin. Exposed lower end of femur. Separate Rt leg is also found which match with left	

II - CRANIUM AND SPINAL CANAL

Scalp, skull, vertebrae	2 - Membranes	3 - Brain and spinal cord
Skull is antero- posteriorly compressed. Vault of skull with Brain matter is absent. N by eye is also absent	Membranes is present only on basal part of skull.	Brain matter is absent.



Ref to Rangapana GRPS C/D case no 2/06 d/ 2-3-06

2pm

POST MORTEM REPORT

III. THORAX

1.-Walls, ribs and cartilages	2.-Pleurae	3.-Larynx and trachea	Right lung	Left lung	Pericardium	Heart	Vessels
Only post part of lower ribs from 3rd is present on 5th side	Part of pleurae is found	Healthy	absent	absent	absent	About	crossed

IV. ABDOMEN

1.-Walls	2.-Peritoneum	3.-Mouth, pharynx, oesophagus	4.-Stomach and its contents	5.-Small intestine and its contents	6.-Large intestine and its contents
Abdominal wall is healthy but breast cut by 1/2 at the lower part of chest with incision line at side the cavity	—	Contains blood clot	Stomach, ink line in cut made at 1/2 perforated easily		Colon feces in it

7.-Liver	8.-Spleen	9.-Kidneys	10.-Bladder	11.-Organs of generation, external, and internal
absent	absent	absent	Empty	Healthy

3

18 =

Answer - G

V--MUSCLES, BONES AND JOINTS.

1.--	2.--Disease or deformity	3.--Fracture	5.--Dislocation
	Amputation of Rt leg at 1/6 level of knee. Spiral. Rt leg is also small. Shd match with 1/6 leg.	---	Localized injury of 5th arm at shoulder joint with dislocation.

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

A disfigured male dead body of age about 66 years
with well built skull, Rt eye is absent, compressed with
round injury over chest with parietal expansion of 5th
arm with long scars, head down about and imbedded
out of parietal cavity. Rt leg is amputated at
level of knee. Spiral. Rt leg is small. Shd
match with 1/6 leg.

ASSISTANT SURGEON
OPINION OF _____ AS TO CAUSE OF DEATH
SUB-ASSISTANT SURGEON

In my opinion, cause of death is shock
and hemorrhage as a result of injury sustained.

Signed [Signature]
Dr. T. S. H. H. H. H. H.
Medical & Surgical Officer
Kanaklata Civil Hospital
21/11/56
ASSISTANT SURGEON
SUB-ASSISTANT SURGEON

21/11/56 day of March 1956

REMARKS BY CIVIL SURGEON:

NO = 309
date = 23/3/56

Joint Director of H. S. Service
Sondur, 1956

The _____ day of _____ 19____ Signed _____
Civil Surgeon of _____

18/1


Station : Kanaklata Civil Hospital, Tezpur.

Day of : 9th March 2006.**POST MORTEM REPORT**

V - MUSCLES, BONES AND JOINTS.

III - THORAX

Name, sex, age and caste	Whence brought Village and Thana	Name of constable by whom brought and names of relatives accompanying	DATE AND HOUR OF			Information furnished by Police	By whom identified before Medical Officer	1. - Walls, ribs and cartilages	2. - Pleurae	3. - Larynx and trachere	Right lung	Left lung	Pericardium	Heart	Vessels	1. - Injury	2. - Disease or deformity	3. Fracture	5. Dislocation
			Despatch	Arrival at dead house	Examination														
Badal Kr. Dutta Male, 66 years, Hindu	S/O. Lt. Prabhat Ch. Dutta Rangapara Taltala Rly. Colony, Sonitpur.	1) UBC/171 Narayan Haloi 2) Sri Biman Mondal	9-3-06	9-3-06	9-3-06	As per Inquiry report	1) UBC/171 Narayan Haloi 2) Sri Biman Mondal	Only post part lower rib from 3 rd is present on both side	Part of plence is found	Healthy	Absent	Absent	Absent	Absent	Crussed	-	Amputation of Rt. Leg at the level of knee separate. Rt. Leg is also broken when match with the injury.	-	Located injury of both arm at shoulder joint with dislocation
N.B. - Obacrye the state of all the organs and when no injury is found write "Healthy"								IV. - ABDOMEN								MORE DETAILED DESCRIPTION OF INJURY OR DISEASE			
I - EXTRANAL APPERANCE																			
1. - Condition of subject stout emaciated, decomposed, etc.		2. - Wounds - position, and character.		3. - Bruise - position, size and nature		4. - Mark of ligature on neck dissection, etc.		1. - Walls		2. - Peritonoum		3. Mouth, pharynx, oesophagus		4. - Stomach and its contents		5. - Small intestine and its contents		6. Large intestine and its contents	
An disfigured male dead body of age about 66 years with vault & skull absent, Rt. Eye is also absent. Rt. Leg from knee is amputated, Rt. Leg bring separately.		1) Head is compressed astero-posterimly with absent of vault of skull and brain mortar and Right eye, skin margin is ragged. 2) Lacerated injury over chest at the level of axilla with parted separate of both arm with brast out injury of abdomen with intestine, liver, lung is out of body cavity. Lower abdomen is healthy. 3) Amputation of Right leg at the level of knee with ragged skin margin exposing lower end of femur. Separate Rt. Leg also found which match with injury.						Abdomen wall is healthy but brash out injury at the lower part of chest with intestine liver out side the cavity.				Certain blood clot		Stomach, intestine is out side of the paritened cavity				Contain teced moltar	
																		OPINION OF ASSISTANT SURGEON / SUB-ASSISTANT SURGEON AS TO CAUSE OF DEATH ASSISTANT SURGEON SUB-ASSISTANT SURGEON	

 <p>II. - CRANIUM AND SPINAL CANAL</p>								<p>In my opinion, cause of death is shock and haemorrhage as a result of injury sustained.</p> <p>Sd/- Dr. T. Bhattacharjya MD/HOT/KCH Tezpur. Medical Officer, Kanaklata Hospital, Tezpur.</p> <p>The 9th Day of March 2006.</p> <p>ASSISTANT SURGEON OF</p> <p>SUB-ASSISTANT SURGEON</p>	
								REMARKS BY CIVIL SURGEON	
1. - scalp, skull, vertebrae	2. - Membrane	3. - Brain and spinal cord	7. - Liver	8. - Spleen	9. - Kidneys	10. - Bladder	11. - Organs of generation, externa, and internal	<p>Sd/- Joint Director of Health Services Sonitpur, Tezpur.</p> <p>The day of 19 Signed _____ Civil Surgeon of _____</p>	
Skull is antero-posteriorly compressed, vault of skull with brain matter is absent Right eye is also absent	Membrane is present only on basal part of skull.	Brain matter is absent	Absent	Absent	Contained (2)	Empty	Healthy		

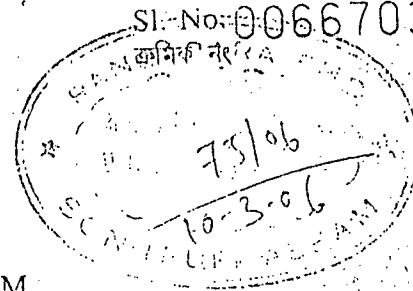
No. 309 Date 23/2/06

photo copy of original is placed above.



ANNEXURE-H

Sl. No. 0066703



GOVERNMENT OF ASSAM
(অসম চৰকাৰ)
DIRECTORATE OF HEALTH SERVICES
(স্বাস্থ্য সেৱা সঞ্চালকালয়)
CERTIFICATE OF DEATH
(মৃত্যুৰ প্ৰমাণ পত্ৰ)

ISSUED UNDER SECTION 12/17 of the Registration of Birth and Deaths Act, 1969.
(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯ ৰ ১২/১৭ অংশত লিপিবদ্ধ)

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

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ..... জিলাৰ..... খণ্ডৰ/পৌৰসভাৰ..... মৌজাৰ অন্তৰ্গত পঞ্জীয়ন গোটেৰ পঞ্জীৰ মূল অভিলেখৰ পৰা সংগৃহীত কৰা হৈছে।

Name/নাম..... Badal K. Datta
Sex/লিংগ..... Male
Date of Death/মৃত্যুৰ তাৰিখ..... 7-3-06
Place of Death/মৃত্যুৰ স্থান.....
Registration No./পঞ্জীয়ন নং..... 75106
Date of Registration No./পঞ্জীয়নৰ তাৰিখ..... 10-3-06
Name of Father/Mother/Husband.....
(পিতৃ/মাতৃ/স্বামীৰ নাম)

Signature of issuing authority

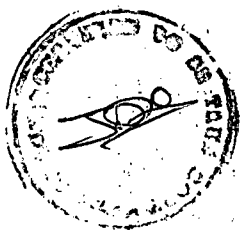
জাৰী কৰা কৰ্তৃপক্ষৰ চহী

Designation/পদবী

Date/তাৰিখ

Seal/মোহৰ

No disclosure shall be made of particulars regarding the cause of death as entered in the Register. See proviso to Section 17 (1)



A. P. Rly. Press.

= 21 = ✓

ANNEXURE-J

तिसरी प्रति/(Triplicate)

पू० सी०-एच० जी० ४
N. F. RAILWAY

पू० सी०-एच० जी० ४
N. F.—AUG. 6

सं०/No..... सी० प्रबन्धक/CHP के/Date..... 198

सेवा में/To The.....

प्रिय महोदय/Dear Sir,

मैं..... की मद में नीचे लिखे विवरण के अनुसार..... रु० जमा करता हूँ ।/

I have the honour to remit as per details below the sum of Rs.....
..... on account of.....

चैक सं०/Cheque No.	रु०/Rs.	पू०/P.
935868-791	12378	00
मनी अर्डर/Money Order		
डाक टिकट/Postage Stamp		
मनी अर्डर का खर्च/Cost of Money Order		
रसीदी टिकट का खर्च/Cost of Receipt Stamp		
कुल Total		

कृपया पावनी खा हार, ऊपर उलगा संलग्न रसीदी या कायदा हस्ताक्षर के बाद लोटती डाक से भेज दें ।
Please acknowledge and return the enclosed receipt duly Signed by return of Post:

इसके मुख्य रोकड़िया/For Chief Cashier

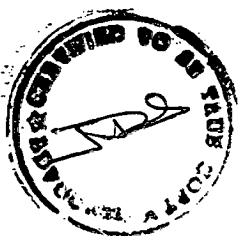
रसीद मुद्रय लेखा अधिकारी के नाम लिखी जायेगी ।/Receipt to be made out in name of Chief Accounts Officer.

यदि दू. र. रसीद फार्म इस्तेमाल न किया गया हो तो कायदा रूप पर सुहर लगाकर हस्ताक्षर कर दें और बपु कर दें ।/ If a separate receipt form is not used please stamp and sign this document and return.

ऊपर लिखी हुई रकम प्राप्त की ।
Received the amount above mentioned.

यदि रकम 20 रु० से अधिक हो तो इस पर दस पैसे का रसीदी टिकट चिपकाया जायेगा ।

Ten Paise receipt stamp should be affixed to the receipt if the sum exceeds Rs. 20.



= 22 =

To

BY REGISTERED A/D

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

Sir,

Sub: An Appeal for payment of compensation and appointment on compassionate ground for the accidental death by the Train Engine of 5815 DN Mail Passanger train on Platform No.1 of Rangapara North Station on 9.3.2006 of Sri Badal Kumar Dutta, Ex-Junior Enginner/II/C&W/N.F.Railway. Rangapara North.

With due respect and humble submission this humble memorialist, the unfortunate and bereaved wife of Late Badal Kumar Dutta, an Ex-employee of the N.F. Railway Administration, begs to state as follows :

1. That my husband Late Badal Kumar Dutta retired from service on 31.5.04 on superannuation. But at the time of receiving Final Settlement dues excepting the P.F. Money, Commutation value of pension & Group Insurance money nothing was paid to him by the N.F.Railway Administration for no fault of his own and for which reason he was compelled to file an Original Application before the Hon'ble CAT, Guwahati in O.A.No.329/04.
2. That the Hon'ble Tribunal was pleased to admit his application and passed a judicious order directing the Respondents to arrange payment of his all dues expeditiously.
3. That excepting payment of Provident Fund, Commutation value of Pension and Group Insurance money and a part of the DCRG the other dues like Leave Salary, Package Allowances, Retirement Traveling Allowance, bonus, overtime allowances were not paid to him in spite of Court's order, rather made a declaration in the court that all dues were paid to the Applicant. The Hon'ble CAT/Guwahati's orders dated 23.12.04 & 19.5.2005 are enclosed.
4. That my husband because of the paucity of the fund for the non-receipt of his lawful dues from the Railway Administration after his retirement and having one

Contd.....P/2...unemployed...



unemployed son and a marriageable daughter had to remain always in mental agony and approached the concerned railway authorities for countless time, for arranging payment of his "just dues" but in vein. The Railway Administration had not paid any heed to his repeated humble approaches.

5. That meanwhile the marriage of our daughter was settled and scheduled to be held on 12.6.06, and for which my husband was at a loss as to what to do without the affordable money. Had his pending dues were cleared & paid by the Railway Administration, he then should not have taken so much of strain and pain for the money to surmount the imminent & inevitable expenses to be incurred for his daughter's marriage ceremony.
6. That because of the reasons stated in the foregoing paras in stress, anxiety & depression and tension he was as to from what sources he could manage the money and solemnize the marriage of his daughter in his post-retirement stage when the retirement benefits are only the solace for an employee like him.
7. That the above state of affairs and the mental disturbances compelled him to cross over the railway line near Rangapara Railway Station which has got a road for the pedestrian-passage of the railway people to cross the railway line and perform their requirements as and when exigency arises. In this connection it is submitted that the said area which is required to be declared as a "protected area" has no fencing or any kind of caution order that the crossing of the railway line of that place is forbidden. On 9.3.06 while crossing over the railway line my husband was run over by a shunting railway engine which had high speed gave no whistle and there was no Flagman or Prints man, just immediately after the date fixed for his daughter's marriage on the previous night.
8. That the said sudden and most unexpected sorrowful death of my husband made this entire family practically in a ruined position and there are no means for them for their survival.
9. That this bereaved widow of Late Badal Kumar Dutta , a sincere, honest and devoted employee of the N.F.Railway administration, humbly prays before your

Contd.....P/3...magnanimity..

22/2
// 3 //

magnanimity that to save this family which is almost in a very pitiful condition, may kindly grant a compensation of reasonable amount for the above accident to which the railway administration can not disown its liability because of so many reasons stated above and arrange to give appointment of my son Sri Ashish Dutta on compassionate ground by exercising your good office of special powers and sympathetic consideration on out of turn basis to save this family from the clutches of imminent ruins and facing of further catastrophies in their lives.

It is, therefore, hoped and fervently prayed that considering the dedicated services culminated while in service by my husband Late Badal Kumar Dutta, you would be magnanimous enough to consider the prayer of this humble Applicant and sympathetically exercise your special powers to grant the amount of reasonable compensation and a suitable employment to my son on compassionate ground.

And for this act of your kindness and benevolence I would remain ever grateful.

Photo copies of the Hon'ble CAT's order for payment of all retiring dues and the Police report, Death Certificate and Post Mortem Report are submitted herewith for your kind perusal and susceptible action please.

With all humility and regards.

Encl: As above.

Dated. -6-2006.

Yours faithfully,



(SMTI MADHAVI DUTTA),
W/O Late Badal Kumar Dutta,
Ex-Junior Engineer/II/C&W/N.F.Rly.
Rangapara North, Ward No.2,
Near Lokenath Mandir,
P.O. Rangapara,
Dt.Sonitpur. Assam.

To

BY REGISTERED A/D

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

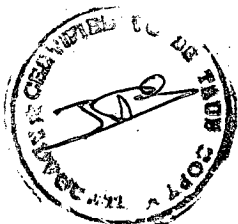
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Contd.....P/2...unemployed...



23/1

// 2 //

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6. That because of the reasons stated in the foregoing paras in stress, anxiety & depression and tension he was as to from what sources he could manage the money and solemnize the marriage of his daughter in his post-retirement stage when the retirement benefits are only the solace for an employee like him.

7. That the above state of affairs and the mental disturbances compelled him to cross over the railway line near Rangapara Railway Station which has got a road for the pedestrian-passage of the railway people to cross the railway line and perform their requirements as and when exigency arises. In this connection it is submitted that the said area which is required to be declared as a "protected area" has no fencing or any kind of caution order that the crossing of the railway line of that place is forbidden. On 9.3.06 while crossing over the railway line my husband was run over by a shunting railway engine which had high speed gave no whistle and there was no Flagman or Prints man, just immediately after the date fixed for his daughter's marriage on the previous night.

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Contd.....P/3...magnanimity..

23/2

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Near Lokenath Mandir,

P.O. Rangapara,

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