

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata

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ORDER SHEET

COURT NO. : 1

29.08.2018

O.A./350/584/2018
 (.ASB)

BHUPENDRA MISHRA
 -V/S-
 EASTERN RAILWAY

ITEM NO:21

FOR APPLICANTS(S) Adv. : Mr. T.Maity

FOR RESPONDENTS(S) Adv.: Ms. C.Mukherjee

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. T.Maity, Ld. Counsel for the applicant, and Ms. C.Mukherjee, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p style="margin-left: 40px;">"a) To pass an order directing upon the respondents to consider the representation dated 17.11.2017 and release the entire settlement dues of his father who was employee of Eastern Railway as per rule.</p> <p style="margin-left: 40px;">b) Cost</p> <p style="margin-left: 40px;">c) Any other order or orders and/or direction or directions as to their Lordships may seem fit and proper."</p> <p>3. Brief facts of the case of the applicant are that his father, viz. Bashidhar Mishra, who was working under Eastern Railway, had died on 28.11.1983 and his mother died on 27.07.2008. The grievance of the applicant is that after the death of deceased employee, his family was not granted any benefit from the concern authority. Widow of deceased employee had made various representations to the concerned authority but they did not disburse any amount in favour of widow. Only a cheque was issued in favour of Bhabani Mishra, i.e widow of deceased employee, and that was also returned back. Ld. Counsel for the applicant submitted that after death of his mother, the applicant made a representation before the concern authority for sanction of settlement dues on 17.11.2017 (Annexure-A/6) but that has not yet been considered and is still pending before Respondent No.1 for consideration. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to Respondent No.1 to consider the said representation under Annexure-A/6 within a specific time frame.</p> <p>4. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.1 to consider the representation as at Annexure-A/6</p>

dated 17.11.2017, if any such representation has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.

5. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent No.1, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration the case of the applicant is found genuine then expeditious steps may be taken by the Official Respondents to grant him admissible settlement dues within a further period of three months therefrom. However, I also make it clear that if in the meantime the said representation under Annexure-A/6 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.1 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

8. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)

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