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DISTRICT : SOUTH 24-PARGANAS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Miscellaneous Application No. 338 of 2017  
ORIGINAL APPLICATION No. 588 of 2017

An application under Section  
19 of the Central  
Administrative Tribunal Act,  
1985.

And

In the matter of :

1. Smt. Rita Das, wife of  
Mr. Mihir Kumar Das, Ex-Chief  
Personnel Inspector of South  
Eastern Railway at Garden  
Reach Head Quarter, Kolkata-  
700043, by occupation-  
Housewife, residing at Udayan  
Pally, P.O.- Batanagar  
(Mahestala), District- South  
24-Parganas, Kolkata-

700140.

2. Miss. Priyanka Das,  
daughter of Mr. Mihir Kumar

6  
V.L.C.

Das, Ex-Chief Personnel  
 Inspector of South Eastern  
 Railway at Garden Reach  
 Head Quarter, Kolkata-  
 700043, by occupation-  
 Student and Trainee, residing  
 at Udayan Pally, P.O.-  
 Batanagar (Mahestala),  
 District- South 24-Parganas,  
 Kolkata- 700140.

.... Applicants

Versus

1. Union of India service  
 through the Secretary,  
 Ministry of Railway,  
 Government of India, Rail  
 Bhavan, New Delhi- 110011.

2. The General Manager,  
 South Eastern Railway, 11,  
 Garden Reach Head Quarter,  
 Kolkata- 700043.

3. The Chief Personnel  
 Officer Settlement, Personnel

Nal.

Department, South Eastern  
Railway, Garden Reach Head  
Quarter, Kolkata- 700043.

4. The Financial Advisor &  
Chief Accounts Officer, South  
Eastern Railway, Garden  
Reach Head Quarter, Kolkata-  
700043.

5. The Chief Vigilance  
Officer, South Eastern  
Railway, Garden Reach Head  
Quarter, Kolkata- 700043.

6. Mr. Mihir Kumar Das,  
son of Late Gopal Chandra  
Das, Ex-Chief Personnel  
Inspector, South Eastern  
Railway, Garden Reach Head  
Quarter, Kolkata- 700043,  
residing at Udayan Pally, P.O.-  
Batanagar (Mahestala),  
District- South 24-Parganas,  
Kolkata- 700140.

.... Respondents

*Al*

No. M.A. 350/00338/2017  
O.A. 350/00588/2017

Date of order: 06.12.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member

For the Applicant : Mr. A. Sinha, Counsel

For the Respondents : Mr. C.S. Bag, Counsel  
Mr. S. Sen, Counsel

**O R D E R (Oral)**

**A.K. Pattnaik, Judicial Member:**

Mr. A. Sinha, Ld. Counsel appears for the applicant. Mr. C.S. Bag, Ld. Counsel appears for the respondents, S.E. Railway and Mr. S. Sen, Ld. Counsel appears for the private respondents.

2. After hearing in extenso, the M.A. No. 338 of 2017 for joint prosecution is hereby allowed and disposed of.

3. I find that this O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

"(a) The applicants are praying for direction upon the respondent authority to record the names of the applicants in the service book of the private respondent Mihir Kumar Das as his legal heirs being wife and daughter.

(b) An order directing the respondent authority to delete the name of other person as nominee in the service book of the private respondent.

(c) An order directing the respondent authority to release money to the applicants from the retiral benefit of the private respondent towards meeting family expenditure and marriage of unmarried daughter being the applicant No. 2 of the private respondent.

(d) An order directing the respondent authority to pass necessary order for family pension in due course in favour of the applicants.

(e) An order to consider the representation of the applicants dated 29.3.2016, 5.4.2016 and 16.2.2017.

(f) The applicants further pray for direction upon the respondent authority to transmit all the relevant records and documents of this case to this Hon'ble Tribunal so that considerable justice may be administered in favour of the applicants after perusal of the same.

(g) And to pass such other or further appropriate order or orders and or direction or directions as Your Lordships may deem fit and proper for the ends of justice."

4. The sum and substance of the case as per Mr. Sinha, Ld. Counsel for the applicant is that Mihir Kumar Das, the husband of the petitioner No. 1

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was Chief Personnel Inspector at Garden Reach Head Quarter of S.E. Railway, Kolkata. Mihir Kumar Das used to cruelly assault the applicant, neglected in looking after the applicant No. 1 and her unmarried daughter, Priyanka Das, applicant No. 2 and mentally tortured them and paid only Rs. 8,000/- per month towards their monthly expenditure. On 23.3.2016, the applicants came to know from Mihir Kumar Das that he made an other women as his nominee in his service book. The applicants wrote a letter to the Financial Advisor & Chief Accounts Officer, Chief Personnel Officer, Settlement & Chief Vigilance Officer, South Eastern Railway, Kolkata praying to delete the name of the third person as nominee and record the name of the applicant No. 1 and her daughter Priyanka Das, applicant No. 2 as nominee of Mihir Kumar Das being his legal heirs, in the service book.

5. With the aid and assistance of Mr. Sinha, Ld. Counsel for the applicant, I find that the applicants have already ventilated their grievance by making an exhaustive representation at "Annexure A-5" to the O.A. addressed to respondent Nos. 2, 4 and 3 and the Ld. Counsel for the applicant submits that till date he has not received any response from the said authorities. However, Mr. S. Sen, Ld. Counsel for the private respondents (husband/father of the applicants) submitted that this O.A. is not maintainable in this form before this Tribunal since neither the applicants are government servant no they have any right for inclusion of their names in the service book of the applicant. I am also convinced with the arguments so advanced by Ld. Counsel for the private respondents.

6. However, as the applicants have ventilated their grievance before the Respondent Nos. 2, 4 and 3 and as per submission of Mr. Sinha till date they have not received any response, without entering into the merits of the matter I dispose of this O.A. by directing the respondent Nos. 2, 4 and 3 that

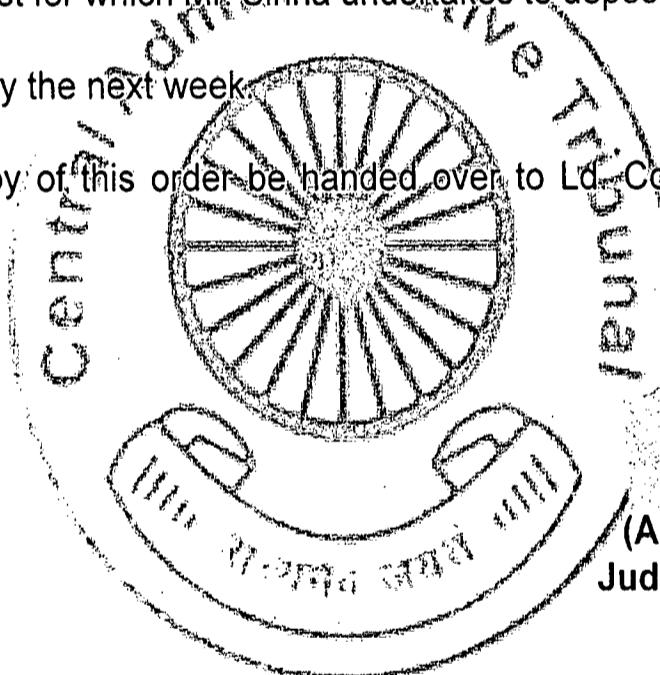


if any such representation has been preferred by the applicants on 16.2.2017 and the same is still pending consideration then the same may be considered keeping in mind the rules and regulations governing the field and by taking into account the submissions of the private respondent i.e. husband/father of the applicants and pass a reasoned and speaking order within a period of six months from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of at the admission stage itself.

8. As prayed for by Mr. Sinha, Ld. Counsel for the applicant a copy of this order along with paper book be transmitted to the respondent No. 2, 4 & 3 by speed post for which Mr. Sinha undertakes to deposit necessary cost in the Registry by the next week.

9. Free copy of this order be handed over to Ld. Counsel for all the parties.



(A.K. Patnaik)  
Judicial Member

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