



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/790/2016

Date of order : 8.3.2017

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

ABDUL JABBAR

S/o Sattar since deceased,
Aged about 34 years,
Vill.- Gabgachi,
P.O. - Raghunathpur,
P.S. - Suti,
Dist. - Murshidabad,
Pin - 742233,
Unemployed.

...APPLICANT

VERSUS

1. Union of India, through
The General Manager,
Eastern Railway,
17 Netaji Subhas Road,
Fairly Place,
Kolkata - 700001.
2. The Divisional Railway Manager,
Malda Division,
Eastern Railway,
Jhaljhalia,
Malda Town,
Malda - 732102.

...RESPONDENTS.

For the applicant : Ms. T.Maiti, counsel

For the respondents: Mr.B.L.Gangopadhyay, counsel

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Ms.T.Maiti, Id. Counsel appearing for the applicant and
Mr.B.L.Gangopadhyay, Id. Counsel appearing for the Railway respondents.

2. This OA has been filed under Section 19 of the A.T.Act, 1985, for non-payment of rest 10 lakhs of the ex gratia lump sum compensation of the father of the applicant, since deceased who died in course of his employment on

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10.7.2010 and for non-consideration of the representation of the application dated 9.6.2015, seeking the following reliefs :

- a) An order be issued directing upon the respondents to disburse the rest amount of RS.10 lakhs ex gratia lump sum compensation out of 20 lakhs (10 lakhs has already been received) of his father Late Sattar since deceased in favour of the applicant within forthwith.
- b) Order do issue to quash and set aside the speaking order dt. 30.3.2015 and consider the representation dt. 9.6.2015.
- c) Order do issue directing upon the respondents to transmit and submit before the Hon'ble Tribunal all the records and paper in connection with the case.
- d) Order do issue directing upon the respondents to give benefit of judgment passed by the Hon'ble Tribunal in OA 1921 of 2015 dated 18.2.2016.
- e) Any other relief or reliefs as may be admissible on the basis of the adjudication of the matter.

3. This OA was filed on 30.5.2016 and in the meantime the reply and rejoinder are already filed and the matter is ripe for hearing. However, Id. Counsel for the applicant submitted that inspite of keeping the matter pending if the OA can be disposed of by directing the respondent No.2 to consider the pending representation which was filed on 9.6.2015, the grievance of the applicant may be redressed.

4. To such submission Mr.Gangopadhyay, Id. Counsel for the Railways has no serious objection but made it clear that only liberty should be granted to consider the representation as per Railway rules.

5. Taking into account the submissions made by Id. Counsels for both sides, though the matter is ripe for hearing, I dispose of the OA without entering into the merit, by directing the respondent No.2 to consider the representation dated 9.6.2015 which is still pending consideration and dispose it of keeping in mind the rules and regulations in force by passing a well reasoned and speaking order and communicate the same to the applicant within 2 months from the date of receipt of this order.

6. As this is a case pertaining to payment of ex gratia though I have not expressed any opinion on the merit of the matter and all the points the representations are kept open for the said respondent.

same as per the rules and regulations in force, still then I hereby direct that after such consideration if the applicants' grievance is found to be genuine then expeditious steps may be taken within a further period of 6 months from the date of such consideration for payment of ex gratia amount.

7. As prayed for by Ms.Maity, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which she undertakes to file the postal requisites with the Registry within a period of one week.
8. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

(A.K.PATNAIK)
MEMBER (J)

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