



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/00801/2016

Date of order: 9.3.2017

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

Smt. Gita Devi,
Wife of Late Baccha Yadav as Housewife,
Aged about 38 years,
Residing Bardel Kulipara P.O.,
Bardel, P.S. Shinsura,
District – Hooghly,
Pin – 712123.

.. Applicant

- VERSUS -

1. Union of India,
Service through the General Manager,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.
2. The Divisional Railway Manager,
Eastern Railway,
Howrah Division,
Howrah – 1.

.. Respondents

For the Applicant : Ms. T. Maity, Proxy Counsel

For the Respondents : Mr. B.L. Gangopadhyay, Counsel

ORDER (ORAL)

Heard Ms. T. Maity, Ld. Counsel appearing on behalf of Mr. B. Bhattacharjee, Ld. Counsel for the applicant and Mr. B.L. Gangopadhyay, Ld. Counsel for the Railways.

2. This O.A. has been filed under Section 19 of the AT Act, 1985 challenging the acts and omissions on the part of the respondents non-grant of Ex-gratia lump sum compensation of the husband of the applicant late Sridhar Hembram since deceased, who died in course of his employment on 11.11.2013 and acts and omissions on the part of the

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respondents non-consideration of the several representations made by the applicant due to her ex-gratia lump sum compensation of the late husband of the applicant seeking the following reliefs:-

- "(a) An order directing the respondent to consider the case of the applicant for Ex-gratia lump sum compensation forthwith along with interest as admissible under the rules without any delay tactics.
- (b) An order directing the respondents to deal with and disposed of the representations made by the applicant herein in terms of Railway Board Circulars.
- (c) An order directing the respondents to give benefit of judgment in O.A. No. 217/2013 dated 11.04.2013 passed by the Hon'ble Tribunal Calcutta Bench.
- (d) To direct the respondent authority to produce all records of the case at the time of adjudication for conscionable justice.
- (e) And to pass such further other order or orders as your Lordships may seem fit and proper."

3. After the matter is admitted Mr. B.L. Gangopadhyay, Ld. Counsel filed the reply statement in which it has been categorically stated that the applicant has been requested to submit an affidavit mentioning the details of legal heirship of the deceased employee in order to make the death compensation as also the lump-sum ex-gratia payment vide office letter No. 21.10.2016 but the applicant has yet not complied with the said orders. Hence, both the death compensation under WC Act, 1923, now EC Act and the lump-sum ex-gratia payment is getting delayed.

4. Ms. T. Maity, Ld. Counsel for the applicant undertakes that the applicant will submit all those documents as per the requirements of the authorities within a period of one month from today and accordingly I dispose of this O.A. by taking into consideration the reply statement filed by the Railways by making it clear that if all the required documents are filed within a period of one month from today then the same may be considered and necessary payment orders may be issued in favour of the applicant as the legal heir of the deceased employee.

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5. With the aforesaid observation, the O.A. stands disposed of.
6. A copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Ms. T. Maity undertakes to deposit necessary cost within a period of 7 days.

(A.K. Patnaik)
Judicial Member

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