

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A/350/844/2015

Date of Order: 19.04.2018

Coram : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Smt. Soma Deb Roy, daughter of Late Sukhendu Ch. Deb Roy, c/o Satya Drata Deb Roy, aged about 46 years, occupation -unemployed, residing at Flat No. 3, (1st Floor), 78, Municipal office lane, Kolkata - 700074.

---Applicant

Versus

1. Union of India through the General Manager,
N.F Railway, Lumding Assam,
781011, Maligaon, Guwahati.
2. The Secretary, (Pension) Dept. Of Pension & PW
3rd floor, Lok Nayak Bhawan, Khan Market,
New Delhi - 110001.
3. The Secretary, Railway Board,
Ministry of Railway, Rail Bhawan,
New Delhi 110001.
4. Sr. DFM, N.F Railway,
Lumding Assam, 781011.
Maligaon, Guwahati
5. The Manager, U.B.I,
Dum Dum Branch, 1, Rastra Guru Avenue,
Kolkata - 28.

---Respondents

For the applicant(s): Mr. S.K Datta, Counsel

For the respondent(s): Mr. S. Banerjee, Counsel

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ORDER (ORAL)

Per: Dr. Nandita Chatterjee, Member (A):

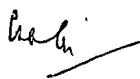
When the matter is called out, heard Id. Counsel for both sides in extenso.

2. The application is being filed seeking the following relief:

- (i) "Set aside the impugned orders dated 18.9.14 issued by the Dept. Of Pension & PW, Rly. Board's letter dated 30.09.2014 and Sr. DFM, NF Railway dated 4-3-2015.
- (ii) Specific direction upon the respondent authorities to continue payment of family pension to the applicant every month without any interruption as per earlier order.
- (iii) Any other or further relief or reliefs which may be deemed fit and proper."

3. Ld. counsel for the applicant draws our attention to Annexure A-5 to the O.A, whereby office of the Senior DFM/NFR/LMG, who is also the Respondent No. 4, has directed the concerned Bank Branch to stop payment of family pension to the applicant, without recovery of family pension paid to her earlier. Ld. counsel also brought to our notice that although vide Annexure A-4 to the O.A, which is an O.M of DoPT dated 28th April, 2011, clarifications had been given on the extension of family pension to widowed/divorced daughter, the said extension had been discontinued by DoPT O.M, dated 18th September, 2014 (Annexure A-6 to the O.A).

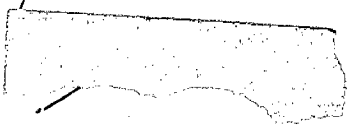
4. Ld. counsel for the applicant further submits that vide DOPT O.M dated 19th July, 2017, further clarifications have been provided on the eligibility of divorced daughter for family pension. Hence, the ld. counsel for applicant seeks liberty to file a comprehensive representation to the Respondent No. 4, citing application of the said revised O.M dated 19th July, 2017. Such liberty is granted, and the applicant is allowed to make a comprehensive representation, within 4 weeks from the date of receipt of a copy of this order, to Respondent No. 4. Once such representation is received, Respondent No. 4 shall consider the same within 6 weeks of the date of receipt of such representation, and shall



dispose of the representation with a reasoned and speaking order, with particular reference to DoPT O.M dated 19th July, 2017.

5. We make it clear that we have not entered into the merit of the case. Respondents will pass the order in accordance with their extant rules and regulations of the respondent authorities. The decision arrived is to be conveyed immediately to the applicant. In case a favourable decision is arrived at, release of benefits may follow within 4 weeks thereafter.

6. With this the O.A is disposed of. No costs.



(Dr. Nandita Chatterjee)
Member (A)



(Manjula Das)
Member (J)

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