

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

ORDER SHEET

COURT NO. : 1

29.08.2018

O.A./350/874/2018
(.ASB)

JUTHIKA BHATTACHARYA

-V/S-

EASTERN RAILWAY

ITEM NO:23

FOR APPLICANTS(S) Adv. :

Mr. T.K.Biswas

FOR RESPONDENTS(S) Adv.:

Mr. P.K.Roy

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. T.K.Biswas, Ld. Counsel for the applicant, and Mr. P.K.Roy, 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>"a) An order directing the respondents to release the pension in favour of the applicant along with all arrear with interest thereon;</p> <p>b) An order directing the respondents to investigate the matter and make out actual facts because 7 years have already been passed of the missing of Narayan Chandra Bhattacharya so that the applicant is entitled to family pension.</p> <p>c) An order directing the respondents to consider the representation dated 20.12.2017 (Annexure A-6) within specific period of time;</p> <p>d) any other or further order....."</p> <p>3. Brief facts of the case of the applicant are that Applicant her husband went missing since 2005 and is not traceable upto now as such the applicant made missing diary before the local</p>

Dum Dum P.S and Bhawani Bhawan but the said authorities did not give any proper reply and did not trace out. However, as per rule the person who was missing for the last 7 years and was not traced out then the said person may be treated as dead. In this regard the applicant made representation and sent notices through her Ld. Advocate requesting the respondents to know about the fate and to release family pension in her favour but the same was not considered till now. Hence, she has filed this application.

4. Mr. Biswas, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant has made a representation on 20.12.2017 (Annexure-A/6), which is stated to be pending with 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 those authorities to consider the said representation under Annexure-A/6 within a specific time frame.

5. Taking into account the submissions made by Mr. Biswas, 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 dated 20.12.2017, 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.

6. 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 family pension 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.

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

8. 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.

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

(A.K. PATNAIK)
MEMBER (J)

SS