

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA. 350/894/2017

Date of Order: 05.02.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

GITA MAJUMDER
VS.
EASTERN RAILWAY

For the Applicant : Mr. K. Sarkar, Counsel
Ms. A. Sarkar, Counsel

For the Respondents : Mr. AK Banerjee, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard both.

2. It transpired from the records that the railway employee was removed from Railway Service as disciplinary measure on 01.07.2003 whereas his wife is claiming that the employee has been missing since 07.02.2002 and in this regard she annexed a Missing Diary No. 1457/2004 dated 23.03.2004. However, the railway employee had not challenged the removal order despite service. The widow has come up for family pension.

3. In our considered opinion she would not be entitled to family pension since her husband received removal order himself.

4. However, it appears from the reply filed by the respondents that along with the removal order, the disciplinary authority has not passed any specific order for grant of compassionate allowance in terms of RBE No. 164/2008.

5. Therefore, we dispose of the OA with liberty to the widow of the railway

employee to make an application before the disciplinary authority, within a period of 4 weeks from the date of receipt of a copy of this order seeking benefits under RBE No. 164/2008 which shall be appropriately considered by the disciplinary authority in terms of RBE No. 164/2008 particularly para 3 therein and pass appropriate order within a period of 3 months from the date of receipt of such representation of the applicant.

6. In case nothing stands in the way, let compassionate allowance be released as per the rules, within one month thereafter.

7. OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Member (A)

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(Bidisha Banerjee)
Member (J)





