

O.A.No.350/1094/2017
M.A.No.350/654/2017

Date : 01.02.2018

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

For the applicant : Mr. K. Chakraborty, counsel

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

O R D E R(Oral)

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

(A) "To file and prosecute the instant application jointly under Rule 4(5)(a) of the A.T.(Procedure) Rules,1987 since all of them have prayed for the same relief arising out of the same cause of action.

(B) Do issue mandate upon the respondents, their men and agents and each of them to forthwith sanction and release the admissible and entitled amount of :

(i) Difference of Regular Salary and Subsistence allowances w.e.f. October,1983 to 10.7.2000 with 18% interest on the said total sum thereof.

(ii) Arrears of Pension of Yudhistir Mudi from 10.7.2000 to 7.10.2000 to the applicants with 18% interest on the said total sum.

(iii) Arrear of Family Pension from 8.10.2000 in favour of the applicant no.1 with 18% interest on the said total sum thereof.

(iv) Arrear of Gratuity, Leave Salary and all other admissible benefits, allowances and dues against the service/retiral benefits of Late Yudhistir Mudi in favour of the applicants alongwith 18% Interest on

the said total sum thereof.

- (v) Accumulated amount against Provident fund and G.I.S. amount along with 18% Interest on the said total sum thereof;
- (C) Do issue mandate upon the respondents, their men and agents and each of them to forthwith start paying Family Pension to the applicant no.1 month by month and to continue the same in accordance with rules and law;
- (D) Do issue mandate upon the respondents, their men and agents and each of them to forthwith certify and transmit all the papers and documents in connection with the instant lis before this Id. Tribunal for kind perusal and on such kind perusal do considerable justice to the applicants:
- (E) Grant cost of this proceeding in favour of the applicants;
- (F) Pass such other or further order or orders, mandate or mandates, direction or directions as may appear to be fit and proper.”

2. The applicants have also filed an M.A.No. 350/654/2017 seeking permission to move this O.A. jointly under Section 4(5)(a) of C.A.T.(Procedure) Rules, 1987.

3. I have heard Mr.K. Chakraborty, Id. counsel for the applicants and Mr. B.L. Gangopadhyay , Id. counsel for the respondents.

4. Having heard Id. counsel for both sides, the M.A. is allowed.

5. So far as the O.A. is concerned, Id. counsel for the applicants Mr. K. Chakraborty submitted that the applicants would be satisfied if a direction is given to the applicants to file comprehensive representations ventilating their grievances therein to the Respondent No.3..... to consider and dispose of the

representations of the applicants, if such representations are pending with the authorities concerned, within a specific time frame. I am of the view that it would not be prejudicial to either of the parties if such prayer is allowed.

5. Accordingly the applicants are permitted to file comprehensive representations to the Respondent No.2 ventilating her grievances therein within a period of 2 weeks from today and the Respondent No.2 i.e. the Divisional Railway Manager, Asansol Division, Eastern Railway, Asansol is directed to consider and dispose of the representation of the applicant, if so filed, by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of the representation and communicate the decision to the applicant forthwith. If the applicant's claim is found to be genuine then the consequential benefits shall be extended to her within a further period of six weeks from the date of taking decision in the matter.

6. It is made clear that I have not gone into the merits of the case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

7. A copy of this order be handed over to Id. counsel for both sides. The applicant will be at liberty to annex a copy of this order along with her representation proposed to be filed to the Respondent No.2.

8. With the above observations the O.A stands disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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