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No. O.A/350/1226/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT:

Radha Bai Patal, wife of Late G. Patal, aged about 55 years, residing atg
New Settlement Ram Mandir, (Water Tang), Post Office - New Settalment,
District - Paschim Medinipur, Pin 721301, West Bengal

.... APPLICANT

V E R S U S

- (i) The Union of India, through General Manager, South Eastern Railway, Garden Reach, Kolkata 700 043
- (ii) Chief Works Manager, South Eastern Railway, Kharagpur, Pin 721301
- (iii) The Workshop Personnel Officer, South Eastern Railway, Kharagpur, Pin 721301
- (iv) The Deputy Chief Mechanical Engineer (Production) Kharagpur Workshop, South Eastern Railway, Kharagpur

.... RESPONDENTS

A handwritten signature in black ink, appearing to read "B. P." or "B. Patal".

O.A.No.350/1226/2017

Date : 07.12.2017

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

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

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

ORDER**A.K. Patnaik, Judicial Member**

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

"8.(a) An order do issue directing the respondent to grant the family pension with effect from date of death of her husband without taking into account the punishment order since the said order became honest in view RBE No. 155/91"

2. Heard Mr. A. Chakraborty, Id. counsel for the applicant. Mr. B.L. Gangopadhyay who usually appears on behalf of the South Eastern Railway, is present in the court. On my instruction, Mr. Chakraborty has served a copy of the O.A. to Mr. Gangopadhyay.

3. Brief facts of the case as narrated by the Id. counsel for the applicant Mr. A. Chakraborty are that the husband of the applicant was working as a Fitter, (ticket no. was 1243). He was working under the control of Deputy Chief Mechanical Engineer (Production) South Eastern Railway, Kharagpur. The husband of the applicant was missing from 09.02.1996 from his residence as a result of which the applicant made a General Diary No. 140 dated 03.03.1996 in the police station. Information regarding missing of her husband was brought to the notice of the workshop personnel Officer vide representation dated 07.03.1996. The Deputy Chief Mechanical officer (Production) vide letter dated 19.05.2001 Officer-in-



Charge, Aam, Gaon Police Station, Dist. - Bhandra, Maharashtra was also requested to covey the investigation report. It has been further submitted by Mr. Chakraborty that the husband of the applicant in the month of June 2016 was traced at Kharagpur in a wretched condition and inspite of medical treatment he could not serve and ultimately he died on 10.05.2016 due to respiratory failure. The applicant submits that Railway Board issued a circular being RBE 150 of 91 in which it was decided that a copy of the Railway Board's letter No. E(D&A) 91 RG6-41 dated 22.08.1991 (RBE No. 150/91) is published for information, guidance and necessary action. In this circular Board have decided that "the railway servants who were missing and whose whereabouts were not known to their families were removed from service for unauthorized absence and afterwards if it is established that the Railway employee was really missing and not unauthorisedly absent the ongoing disciplinary action or the punishment order already issued, should be annulled. While the annulment order for on-going disciplinary action or the punishment order already issued, should be annulled. While the annulment order for on going proceedings should be made by disciplinary authority and in case of punishment order already issued, the annulment may be made by the appellate/reviewing authority. Boards letter Nos. F(E)III/86/PNI/17 dated 19.09.1986 and E(NG)/III/RCI/1 dated 07.04.1983 were published under Estt. Srl. Nos. 197/86 and 120/83 respectively".

4. Ld. counsel for the applicant Mr. A. Chakraborty submits that the applicant has filed a representation to the Respondent No.(iii) i.e. the Workshop Personnel Officer, South Eastern Railway, Kharagpur on 04.08.2017(Annexure A/4) which has not yet been decided. Mr. Chakraborty further submits that the applicant would be satisfied for the present if the Respondent No.(iii) is directed to consider

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the representation of the applicant dated 04.08.2017(Annexure A/4) as per the rules and regulations in force and communicate the decision to the applicant within a specific time frame.

5. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation to the authorities ventilating her grievances, no reply has been received by her till date.

6. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990**
SC Page 10 / 1990 SCC (L&S) Page 50 (para 17) in which it has been held as under:

"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."

7. Though no notice has been issued to the respondents for filing reply, considering the aforesaid facts and circumstances I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representation of the applicant as per the relevant rules and regulations governing the field. Accordingly the Respondent No.(iii) i.e. the Workshop Personnel Officer, South Eastern Railway, Kharagpur is directed to



consider and dispose of the representation of the applicant dated 04.08.2017(Annexure A/4), if such representation is still pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of six weeks from the date of receipt of a certified copy of this order and communicate the decision to the applicant forthwith. Though I have not gone into the merits of the case, and all the points raised in the representation are kept open for consideration by the respondent authorities, I hope and trust that the respondents shall consider the applicability of the provisions of Railway Board's Circular Estt.Srl.No.196/91(No.P/R/14/141/Policy/Pt.III) dated 01.11.1991 in case of the applicant while passing necessary orders. If the applicant's claim is found to be genuine, the benefits as claimed in the representation, be granted to her within a period of further six weeks from the date of taking decision in the matter.

8. As prayed by Id. Counsel for the applicant Mr. A. Chakraborty, a copy of this order along with the paper book may be transmitted to the Respondent No.(iii) by speed post by the Registry for which Mr. Chakraborty undertakes to deposit the cost within one week.
9. With the above observations the O.A. is disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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