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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, NIZAM PALACE

234/4, A, JAG. BOSE ROAD,

KOLKATA - 700020

O.A. No.350/1286 of 2017

M.A. No.350/782/2017

In the matter of:

Smt. Gunjoo Devi, wife of Late
Dhaniram @ Dhaniram Saha,
Housewife, aged about 41 years,
residing at P.O. Kotalpukur, P.S.

Pakur, Barasonakar, Dist.
Kotalpukur Sahebganj,
Jharkhand, Pin - 816105.

.... Applicant

Versus

1. The Union of India Service
through the General Manager,
Eastern Railway, 17, Netaji

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Subhas Road, Kolkata - 700001.

2. The Divisional Railway

Manager, Howrah Division,
Eastern Railway,
Howrah - 711101;

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O A No.350/1286/2017 Date of order: 21.03.2018
M.A.No.350/782/2017

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

For the applicant : Mr. H. R. Das, Counsel
For the respondents : Mr. B. L. Gangopadhyay, counsel

ORDER

Mr. A. K. Patnaik, Judicial Member

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

- "A. An order directing the respondent to consider the case of the applicant for ex-gratia lump sum compensation forthwith along with interest as admissible under the rules without any delay tactics;
- B. An order directing the respondents to deal with and dispose of the representations made by the applicant herein in terms of Railway Board's Circulars;
- C. An order directing the respondents to give benefit of judgment in O.A.No.217/2013 dated 11.04.2013 and O.A. No.350/00374/2016 dt. 31.1.2017 passed by the Hon'ble Tribunal Calcutta Bench.
- D. To direct the respondent authorities to produce all records of the case at the time of adjudication for conscientious justice.
- E. And to pass such further other order or orders as your Lordships may deem fit and proper."

The applicant has also filed an M. A. No.350/782/2017 for condonation of delay in filing the O. A.

2. Heard Ld. Counsel for the applicant Mr. H. R. Das. Ld. Counsel Mr. B. L. Gangopadhyay who usually appears on behalf of the Eastern Railway is present in the court. On my instruction, Mr. Gangopadhyay appeared on behalf of the

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respondents in this matter. Ld. Counsel for the applicant is directed to serve a copy of the O. A. and M. A. to Mr. Gangopadhyay.

3. Having heard the Ld. Counsel for both sides the M.A.No.350/782/2017 is allowed.

4. So far as the O.A. is concerned, the Ld. Counsel for the applicant submitted that the husband of the applicant Late Dhaniram @ Dhaniram Saha who was working under the respondents as Gangman No. 8. died on 31.07.2010 in course of his employment. It is submitted by the Ld. Counsel for the applicant that the husband of the applicant was run over by a train at K.M. Post No.13/01 and, therefore, a case No.02/10 was registered at Kotalpukur Police Station, Barharwa GRPS on 31.07.2010. It is further submitted by the learned counsel for the applicant that the applicant filed a claim case before the Learned Commissioner, Workmen's Compensation and the said compensation case was allowed by the Learned Commissioner. It is also submitted by the Ld. counsel for the applicant that the applicant has also prayed to the Railway authorities for payment of ex-gratia lump sum benefits due to the accidental death of her husband in terms of the relevant Railway Board's circular/circulars, but the Railway Authorities did not pay any heed to her request though she made several representations and visited the office of the Railway authorities repeatedly. Being aggrieved by non payment of ex-gratia lump sum compensation by the Railway Authorities the applicant has filed this O. A. before this Tribunal seeking the aforesaid reliefs.

5. Ld. Counsel for the applicant has drawn my attention to a representation dated 19.02.2016(Annexure A/4) made by the applicant to the Respondent No.1

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i.e. The General Manager, Eastern Railway, Kolkata and submitted that the applicant has not received any reply to her representation till date. He further submitted that the applicant will be satisfied if a direction is given to the Respondent No.1 or any other competent authority to consider and dispose of the representation of the applicant dated 19.02.2016 (Annexure A/4) by passing a well reasoned order as per rules and regulations governing the field within a specific time frame.

6. Though no notice has been issued to the respondent authorities, I am of the view that it would not be prejudicial to either of the parties, if a direction is issued to the respondent authorities to consider and dispose of the representation of the applicant as prayed for.

7. Accordingly, the respondent No. 1 i.e. the General Manager, Eastern Railway, Kolkata or any other competent authority is directed to consider and decide the representation of the applicant dated 19.02.2016 (Annexure A/4) by passing a well reasoned order as per rules and regulations in force within a period of six weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith. After such consideration if the applicant is found entitled to the benefits as claimed in the representation, the respondent authorities shall extend the benefits to her within a further period of six weeks from the date of taking decision in the matter.

8. It is made clear that I have not gone into the merits of the O.A. and all the points raised in the representation are kept for consideration by the respondent authorities as per rules and regulations in force.

W.L.

9. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book be transmitted to the Respondent No.1 and Respondent No.2 by speed post by the Registry for which the Id. Counsel for the applicant will deposit the cost within a period of one week.
10. With the above observations, the O. A. stands disposed of. No order as to cost.



(A. K. Patnaik)
Judicial Member

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