

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

ORDER SHEET



COURT NO. : 1

30.08.2018

O.A./350/1291/2018
 (MENTIONED) (SB)

CHOTIA DEVI ALIAS CHATHIYA DEVI
 -V/S-
 EASTERN RAILWAY

ITEM NO:17

FOR APPLICANTS(S) Adv. : Mr. B.Chatterjee

FOR RESPONDENTS(S) Adv.: Mr. A.K.Banerjee

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. B.Chatterjee, Ld. Counsel for the applicants, and Mr. A.K.Banerjee, 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 style="margin-left: 40px;">"(a) an order do issue directing the respondents authority to grant Family Pension in favour of the applicant forthwith w.e.f 03.09.2013 along with consequential monetary benefits;</p> <p style="margin-left: 40px;">b) An order do issue directing the respondent authorities to pay arrear Family Pension when it was due along with statutory interest thereon;</p> <p style="margin-left: 40px;">c) Costs incidental to and arising out of this application;</p> <p style="margin-left: 40px;">d) Any other or further order or orders or direction as to your Lordships may deem fit by way of moulding reliefs."</p> <p>3. Brief facts of the case of the applicant are that her husband, who was appointed in the year 1955, while working as Mate under PWI/Asansol, Eastern Railway, Asansol Division superannuated from Service on 31.01.1990. Subsequently, he died on 03.09.2013 leaving behind him his legally married wife, Smt. Chotia Devi @ Chathiya Devi (Applicant) and 3 (three) married daughters. In terms of the</p>

Railway Pension Rules applicant is very much entitled for the Family Pension and she also made representations before the authority concerned, but the responded authority are sitting tight over the matter. Hence se has filed this Original Application.

4. Ld. Counsel for the applicant submitted that the applicant ventilated her grievance before Respondent No.2 on 01.09.2017 (Annexure-A/6) but that has not yet been considered and is still pending for consideration. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to Respondent No.2 to consider the said representation under Annexure-A/6 within a specific time frame.

5. Taking into account the submissions made by Ld. Counsel for the applicant, 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.2 to consider the representation as at Annexure-A/6 dated 01.09.2017, 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.2, 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 her 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.2 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