



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. NO. 350/01341/2017

Dated : 22.11.2017

Coram : Hon'ble Ms. Manjula Das, Judicial Member

Smt. Buby Hela,
Wife of Late Pappu Hela,
Aged about 35 years,
Residing at her fathers house at
No. 13, B.T. Road,
Post-Office and Police Station Cossipore,
Kolkata - 700 002.

..... Applicant.

-Versus-

1. Union of India,
Through the General Manager,
Eastern Railway,
17, N.S. Road, Fairlee Place,
Kolkata - 700 001.
2. The Chief Personnel Officer,
Eastern Railway,
17, N.S. Road, Fairlee Place,
Kolkata - 700 001.
3. The Divisional Railway Manager,
Howrah, Eastern Railway,
At Post Howrah, Howrah - 711 101.
4. The Divisional Railway Manager (Medical),
Howrah, Eastern Railway,
At Post Howrah, District Howrah - 711 101.
5. The Chief Medical Inspector,
Gr.-I, Eastern Railway,
Howrah Station, at Post Howrah,
District Howrah, Pin = 711 101.
6. The Assistant Personnel Officer,
Howrah, Eastern Railway,
At Howrah, District Howrah - 711 101.

..... Respondents.

For the applicant : Mr. A.K. Gayen , Counsel

For the respondents : Mr. A.K. Guha, Counsel

ORDER (Oral)

Manjula Das, Judicial Member

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

"8.(a) Direction be made upon the respondents more particularly respondent no.3 to consider and dispose of the representation dated 29.12.2016 by passing speaking and/or reasoned order at an earliest by granting the prayer for compassionate appointment as mentioned in the said representation dated 29.12.2006 and further granting family pension in accordance with Rule 75 of pension Rule, 1993.

(b) Directed the respondents to calculate and disbursed the service gratuity and other benefits of the deceased railway servant in favour of the legal heirs of him forthwith and also the prayer for Compassionate Appointment;

(c) Direction be made upon the concerned respondents to grant family pension only in favour of the applicant in accordance with law as provided under Rule 75 of the Railway servant (Pension) Rule, 1993 forthwith as the applicant no pressed the prayer for Compassionate Appointment;

(d) Such further order or orders, direction or directions be made as to your Lordships may deem fit and proper."

2. I have heard the Id. Counsel Mr. A.K. Gayen for the applicant and Id. Counsel Mr. A.K. Guha for the respondents. I have also perused the pleadings and materials placed before me.

3. It appears that multiple reliefs have been prayed for in the single O.A. which is not permissible under the rules. Id. Counsel for the applicant Mr. A.K. Gayen has prayed that only the prayers made in para 'C' and 'D' be taken into consideration in this O.A. Accordingly I am going to take up the prayers made under para 'C' and 'D' of the reliefs claimed in the O.A.



4. Ld. Counsel for the applicant Mr. A.K. Gayen prays for a direction to the concerned respondent authorities to grant family pension in favour of the applicant as per the provisions under Rule 75 of the Railway Servants (Pension) Rules, 1993. He submits that the husband of the applicant died in harness and thereafter the applicant has not been granted family pension as a result of which she is facing severe financial hardship. Mr. Gayen further submits the deceased employee worked under the respondents on regular basis, therefore, the applicant being his widow is entitled to get family pension under the extant rules.

5. We have considered the submissions made by the Ld. Counsel for both sides and perused the pleadings and materials placed before me.

6. It appears that no representation has been filed by the applicant to the respondent authorities with a prayer for family pension which means that the applicant has not exhausted the remedies available to her before approaching this Tribunal under the rules.

7. Ld. Counsel for the applicant Mr. Gayen fairly submits that the applicant would be satisfied if she is permitted to make a comprehensive representation ventilating his grievances therein and the respondent authorities, more particularly, the Respondent No. 6 is directed to dispose of the same within a specific time frame.

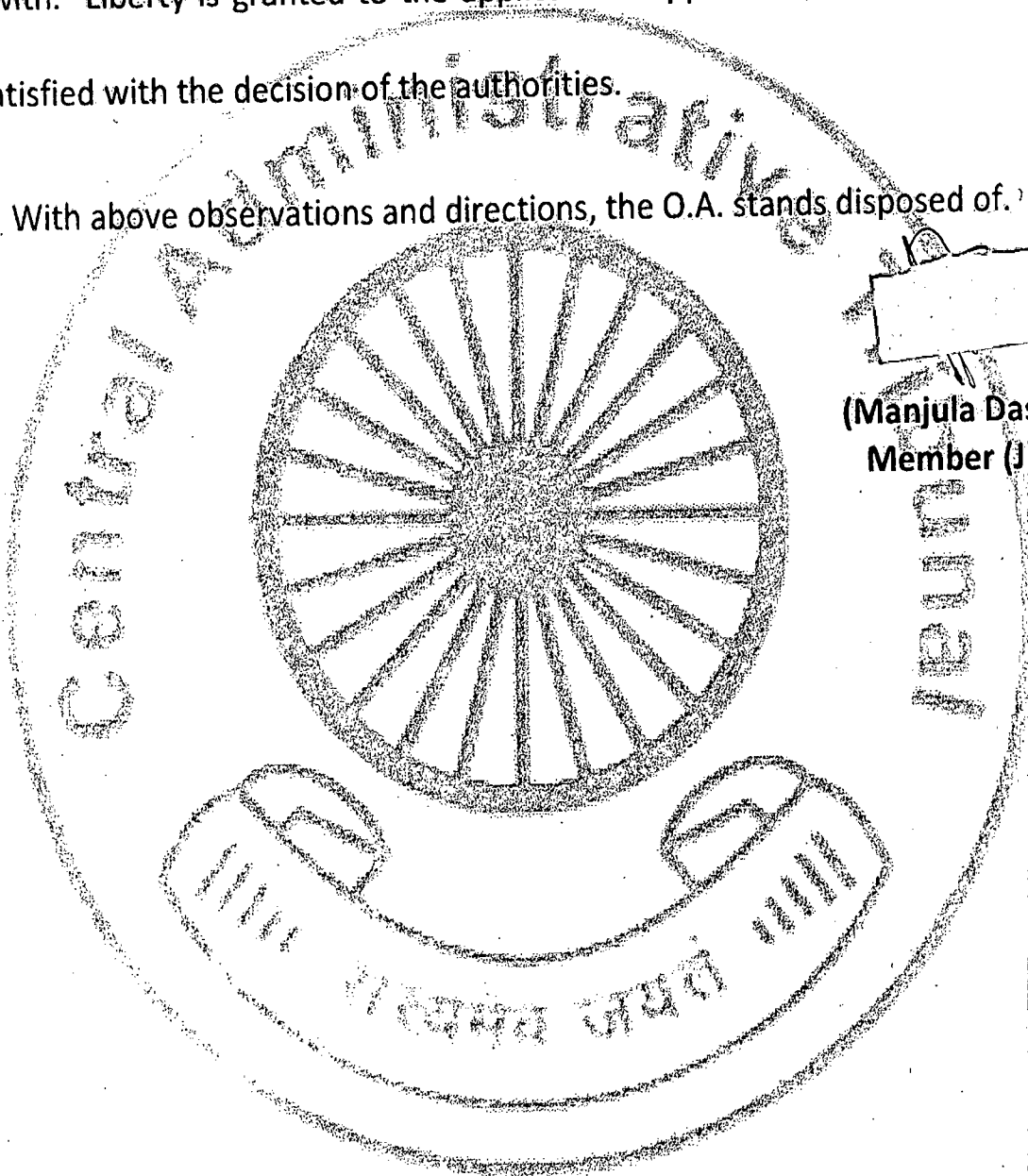
8. I find it would not be prejudicial to either of the sides if the prayer of the Ld. Counsel for the applicant is allowed. Accordingly, the applicant is permitted to make a comprehensive representation to the respondent No. 6 ventilating his grievances therein within a period of 15 days from the date of receipt of this order. If such representation is filed within 15 days, the competent authority



more particularly the respondent No. 6 is directed to consider and dispose of the same as per rules within a period of two months from the date of receipt of such representation. It is needless to mention that the competent respondent authority shall consider and decide the representation of the applicant as per the provisions provided in the pension rules. The decision so arrived at shall be communicated to the applicant by way of a reasoned and speaking order forthwith. Liberty is granted to the applicant to approach this Tribunal if she is not satisfied with the decision of the authorities.

9. With above observations and directions, the O.A. stands disposed of.

drh



(Manjula Das)
Member (J)