



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/1370/2017

Date of Order: 24.04.2018

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

Angura Bibi
Vs.
Eastern Railway

For the Applicant : Ms. T. Maity, Counsel

For the Respondents : Ms. G. Roy, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Ms. T. Maity, Id. Counsel for applicant and Ms. G. Roy, Id. counsel for respondents.

2. The present original application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

“8.A. An order directing the respondents to consider the case of the applicant for Ex-gratia lump sum compensation of Rs. 20 lakhs as per Railway Circular forthwith along with interest as admissible under the rules without any delay tactics.

B. An order directing the respondents to deal with and disposed of the representations made by the applicant herein in terms of Railway Board Circulars.

C. An order directing the respondents to give benefit of judgment in O.A. No. 217/2013 dated 11.04.2013 passed by the Hon'ble Tribunal Calcutta Bench.

D. To direct the respondent authority to produce all records of the case at the time of adjudication for consonable justice.

3. Id. counsel for applicant submits that the applicant is legally married wife of late Abdul Karim who died on duty hours in a fatal accident occurred on 08.06.2009 while he was working as Sr. Trackman, SSE/P.Way/LLH, Eastern Railway, Howrah Division, UD case No. 48/2009 dated 08.06.2009. It is also

submitted by the Id. counsel for applicant that according to Railway Board's Circular the applicant is entitled to get the payment of ex-gratia lump sum compensation benefits of her late husband and thereafter the applicant did make representation before the authority on 08.12.2016 with a request to initiate effective steps for early implementation of amount payable to her in accordance with the Railway Board's Circular.

According to Id. counsel for applicant, the said representation has not yet been responded by the respondent authorities.

4. Ms. G. Roy, Id. counsel for respondents submitted that the department had not received the representation dated 08.12.2016 of the applicant.

5. Being that position, it is a deem fit and proper case to remand the matter back to the department for taking decision in this regard.

6. Accordingly, we direct the applicant to place the present original application before the appropriate/competent authority within a period of 15 days from the date of receipt of a copy of this order. On receipt of such, the respondent authority before whom this Original Application is proposed to be placed, shall treat this Original Application as a representation and take a decision within a period of 2 months thereafter.

7. It is made clear that the decision so arrived by the authorities shall be reasoned and speaking and the same shall be communicated to the applicant forthwith.

8. With the above observations and directions, OA stands disposed of. No order as to costs.


(Manjula Das)
Member (J)