

O.A. No. 350/1436/2016
MA No. 350/464/2016

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CALCUTTA BENCH

O. A. NO. 350/1436 OF 2016

MA 350/00464/2016

Smt. Bina Manna, wife of Late
Panchanan Manna, Barwaritola,
(Kalitola) P.O. South Garia, P.S.
Baruipur, District - 24-Parganas,
South West Bengal, Pin 743613.

...Applicant

Versus

1. General Manager,
Electrical Engineering Department,
Lallaguda, South Central Railway,
Secunderabad - 500017.

2. Union of India,
Through Secretary, Ministry of
Railway, Government of India, Rail
Bhawan, Raisina Road, New Delhi -
110001.

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3. Chief Electrical Engineer, _____
Electrical Engineering Department,
Workshop, Lallaguda, South Central
Railway, Secunderabad -500017.

4. Deputy Chief Electrical
Engineer, Electrical Engineering
Department, Workshop, Lallaguda,
South Central Railway,
Secunderabad -500017.

5. Chief Personnel Officer,
Electrical Engineering Department,
Lallaguda, South Central Railway,
Secunderabad -500017.

6. Deputy Chief Personnel Officer,
Electrical Engineering Department,
Lallaguda, South Central Railway,
Secunderabad -500017.

7. Finance Adviser & Chief
Accountant Officer, Electrical
Engineering Department, Lallaguda,

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South Central Railway,

Secunderabad -500017.

...Respondents

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O.A.No.350/1436/2016
M.A.No.350/464/2016

Date : 21.12.2017

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

For the applicant : Mr. R. Ghosh, 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:-

- (i) Direction be given upon the respondents authorities of Lallaguda, South Central Railway, Secunderabad - 500017 to produce before this Hon'ble Tribunal the two representations dt. 13.1.2016 and 9.6.16 given by the applicant to the Chief Electrical Engineer through the Deputy Chief Electrical Engineer.
- (ii) Direction be given to the Deputy Chief Electrical Engineer, workshop, Lallaguda, South Central Railway, Secunderabad - 17 to produce his letter to the applicant being No. LGD.P.579.E2.PM before this Hon'ble Tribunal.
- (iii) Direction be given upon the respondents authorities, Lallaguda, South Central Railway, Secunderabad - 500017 to produce before this Hon'ble CAT all documents relating to the appointment of Late Panchanan Manna to the post of Khalasi in workshop, Lallaguda, Secunderabad - 17, and all documents relating to his service to that post during his life time.
- (iv) Direction be given to the respondents authorities to explain whether the applicant is entitled to the post-death-benefits of her late husband died in harness mainly:-

- (a) Family Pension and arrears of that with interest since 20.7.1979.
- (b) Benefit of general insurance scheme, if any, issued in the name of Late Panchanan Manna.
- (c) Death cum retirement gratuity
- (d) Money deposited in the provident fund of Late Panchanan Manna
- (e) Benefit of leaves encashment.
- (f) Service to one of his family members as he died in harness

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(v) Costs and compensation for this litigation.

(vi) Any other relief or reliefs as this Hon'ble Tribunal may deem fit and proper."

The applicant has also filed an M.A.No. 350/464/2016 for condonation of delay in filing the O.A.

2. Heard Mr. R. Ghosh, Id. counsel for the applicant. Id. Counsel for the respondents Mr. B.L. Gangopadhyay is also present and heard.

3. Mr. R. Ghosh, Id. counsel for the applicant submitted that the applicant herein is a widow aged about 71 years who is running from pillar to post praying for family pension. Mr. Ghosh further submitted that the applicant has filed representations to the Respondent authorities daed 13.01.2016 (received on 18.01.2016) and dated 09.06.2016(received on 13.06.2016) ventilating her grievances therein but her prayer has not been considered by the respondents till date.

4. The respondents have filed reply statements. By drawing my attention to page 2 of the reply statement filed by the respondents Mr. Ghosh submitted that the respondents have themselves stated in their reply that "the personal appearance of the applicant before the concerned authority is very much essential to sort out the settlement claim of the deceased employee along with the finalization of her compassionate appointment case". Mr. Ghosh, therefore, submitted that the grievance of the applicant would be more or less satisfied if a direction is given to the Respondent No.4 i.e. the Deputy Chief Electrical Engineer to fix an early date of personal hearing of the applicant so that the applicant can meet the Respondent No.4 and the said authority shall pass appropriate orders in the matter by giving a patient hearing to the applicant.

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5. Mr. B.L. Gangopadhyay, Id. Counsel for the respondents submitted that the date of personal hearing of the applicant may be fixed after one month because the respondent No.4 is posted at Secunderabad.
6. Taking into consideration the sincere prayer made by Id. Counsel for the respondents Mr. B.L. Gangopadhyay and the strenuous arguments advanced by Id. Counsel for the applicant, I dispose of this matter by directing the Respondent No.4 to fix a date of personal hearing of the applicant on 15.01.2018 at 11.A.M. on which date the applicant will personally appear before him . In case the applicant meets the Respondent No.4 on the fixed date and time, the Respondent No.4 i.e. the Deputy Chief Electrical Engineer shall give a patient hearing to the applicant and examine all the issues relating to grant of family pension and pass a well reasoned order as per rules and regulations governing the field within a period of one week from the date of such consideration. If the applicant's grievance is found to be genuine, then the respondent authorities shall extend the benefit of family pension to the applicant within a further period of two weeks.
8. It is made clear that I have not gone into the merits of the case and all the points raised in the O.A. are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.
9. Mr. Gangopadhyay, Id. Counsel for the respondents submitted that the applicant may be directed to meet the Respondent No.4 on 15.01.2017 at 11 A.M. along with all the required documents. I am convinced with such argument. Therefore, I made it clear that while going to meet the Respondent No.4 the



applicant shall carry all the requisite documents with her positively for the subjective satisfaction of the Respondent No.4.

10. As prayed by Id. Counsel for the parties, copy of this order be handed over to Id. Counsel for both sides by tomorrow.

11. Accordingly the both the O.A. and M.A. stand disposed of. No order as to cost.

[Redacted]
(A.K. Patnaik)
Judicial Member

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