

CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH, KOLKATA



O.A. 350/01589/2015
O.A. 350/01590/2015

Date of Order : 18-11-2015

Present : Hon'ble Mr Justice G. Rajasuria, Judicial Member

1. Smt. Rita Shaw
2. Shri Sentu Shaw

.....Applicants

Vs.

Union of India & Ors. (Eastern Railway)

.....Respondents

For the Applicants : Mr. J. R. Das, Counsel

For the Respondents : Mr. A. K. Banerjee, Counsel

ORDER (ORAL)

JUSTICE G. RAJASURIA, JM

Heard both. The applicant has filed two O.As seeking the following reliefs :

O.A. 350/01589/2015

- i) An order granting leave to the applicants under Rule 4(5) (a) of CAT (Procedure) Rules, 1987 to move the application jointly.
- ii) An order directing the respondents to allow compassionate appointment in favour of applicant No.2 since being eligible and deserving.
- iii) An order directing the respondents to cancel rescind withdraw or set aside the purported letter dated 22.6.2012 since issued without due application of mind.
- iv) An order directing the respondents to dispose of the representation made by the applicants from time to time.
- v) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal for conscionable justice.

O.A. 350/01590/2015

- a) An order directing the respondents to grant/release family pension in favour of the applicant following 07.03.2014 vis-à-vis release the arrear of family pension in favour of her mother since 14.11.2007, since falling due as per rule.
- b) An order directing the respondents to release all the dues as stated hereinabove with statutory interest since 14.11.2007 as decided by the Hon'ble Tribunal.

- c) An order directing the respondents to cancel rescind, withdraw or set aside the purported letters dated 22.6.2012 and 30.04.2013 since decided the issue on wrong premises and without considering the facts on record.
- d) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal for conscionable justice.

2. The learned counsel for the applicant would air the grievance of his client to the effect that her father died on 13.11.2007 leaving behind his widow and the applicant, the daughter of the deceased. The mother of the deceased applied for family pension but it was not given to her and after the death of her mother the applicant herein being daughter of her mother applied for family pension and compassionate appointment for her son. That was also not accepted. Learned counsel for the applicant would point out that the Railway administration based on the widow's representation held that the deceased employee was retrenched from service in the year 1961 itself and he was not in pensionable service. Railway administrative did not take any steps to trace out the record. Accordingly, the learned counsel for the applicant would pray for a direction upon the Railway administration to give a detailed order based on records.

3. Per contra, the learned counsel for the respondents would submit that records pertaining to the year 1961 could not be traced out. Old records cannot be maintained forever. If at all any document is produced by the applicant then that could be considered and processed. But in this case no evidence has been produced that he died while he was in service, and in fact he was not in a pensionable service.

4. The learned counsel for the applicant would reply to the argument of the learned counsel for the respondents that the poor widow did not have had the opportunity of tracing out the records and produce it before the authority and for that matter the widowed daughter also could not trace out any document. It is for the Railway administration to see that all efforts are taken to trace out necessary documents and give a detailed reply.

h. j. e.

5. There are arguments against arguments. One should see the reality. On the one hand Railway administration would state that he was retrenched in the year 1961 itself but there is no document relied on by them. The applicant has also failed to produce any reliable documents. Hence in the circumstances I would like to issue the following direction :

The Railway authority shall take efforts to trace out the particulars of the applicant and in the meanwhile the applicant shall also see that some documents are produced before the authority for their consideration. As such after due consideration a detailed speaking order shall be given to the applicant within a period of 6 months from the date of receipt of a copy of this order.

O.A is accordingly disposed of. No costs.

(G. RAJASURIA)
JUDICIAL MEMBER

pg