



**BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL CALCUTTA BENCH**

O.A. NO. 350/01611 OF 2016

Biti Tudu wife of late Bitka Tudu, Ex keyman under
K.M. Post No. 3/36- 3/34 Bansberia railway station,
aged about 44 years, residing at Vill. South Chaudra,
P.O. Sripur Bagar, P.S. Balagarh, Dist. Hooghly, Pin.
712514.

.....Applicant

-versus-

1. Union of India , service through the General
Manager ,Eastern Railway, Fairlie place, Kolkata-
700001.

2. The Divisional Railway Manager, Eastern Railway
Howrah Division, Howrah-1

.....Respondents.

✓ Biti Tudu

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No. O.A. 350/01611/2016

Date of order: 28.4.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

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

For the Respondents : None

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. J.R. Das, Ld. Counsel appearing for the applicant.

2. This OA has been filed by Biti Tudu, wife of Late Bitka Tudu, who was working as Keyman under K.M. Post No. 3/36-3/34 Bansberia Railway Station challenging acts and omissions on the part of the respondents for non-grant of Ex-gratia lump sum compensation of her husband Late Bitka Tudu for the rest 10 lakhs out of 20 lakhs as per Railway Board Circular and also acts and commissions on the part of the respondents for non-consideration of the representation dated 15.12.2015 made by her for payment of the remaining amount of 10 lakhs ex-gratia lump sum compensation to her. This O.A. has been filed praying for the following reliefs:

"A) An order directing the respondent to consider the representation dated 15.12.2015 and disburse the Lump Sum Ex-gratia compensation rest 10 lakhs out of 20 lakhs as per Railway Board 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 benefits 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 conscionable justice.

E. And to pass such further other order or orders as your Lordships may seem fit and proper."

3. The facts in a nut shell as per Mr. Das are that the applicant is the



legally married wife of Late Bitka Tudu, who died in harness due to a fatal accident which occurred on 22.4.2011, while he was working as Keyman under K.M. Post No. 3/36-3/34 Bansberia Railway Station and a UD Case No. 27/2011 dated 22.4.2011 has also been registered. As per the Railway Board's Circular the wife of the deceased is eligible for receiving payment of the Ex-Gratia Lump Sum Compensation benefits of her deceased husband. She received an amount of Rs. 10 lakhs as ex-gratia lump sum compensation out of Rs. 20 lakhs. The remaining amount has still not been disbursed in her favour. She made a representation dated 15.12.2015, which is still pending before the authorities concerned.

4. Mr. Das, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 1 to dispose of the representation dated 15.12.2015 within a specific time frame.

5. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 1, that if any such representation have been preferred on 15.12.2015 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of one months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend such benefits to the applicant.

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.



7. A copy of this order along with paper book be transmitted to the respondent No. 1 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry within a week.

8. With the aforesaid observation and direction, the O.A. is disposed of.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP