

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. O.A. 350/01638/2015

Date of order : 31.1.2017

Present : Hon'ble Ms. Jasmine Ahmed, Judicial Member

Smt. Rina Das,  
Daughter of Late Nitish Chandra Das,  
Ex. Sr. Commercial Clerk,  
Sealdah Division, Eastern Railway  
And late Chaya Rani Das (mother) and  
Divorced wife of Shri Alope @ Sankar Ghosh of  
Baje Pratappur, Subhaspally Katwa Road,  
Burdwan - 715101, aged about 47 years,  
Applicant residing at 70, Nagendra Nath Mukherjee Road,  
P.O. & P.S. Panihati, Dist. North 24 Parganas,  
Kolkata - 700 114.

... Applicant

- VERSUS -

1. Union of India,  
Service through the General Manager,  
Eastern Railway, Fairlie Place,  
Kolkata - 700 001;
2. The General Manager,  
Eastern Railway, Fairlie Place,  
Kolkata - 700 001.
3. The Divisional Railway Manager,  
Sealdah Division, Eastern Railway,  
Sealdah, Kolkata - 700 014.
4. Sr. Divisional Personnel Officer,  
Sealdah Division, Eastern Railway,  
Sealdah, Kolkata - 700 014.
5. Sr. Divisional Accounts Officer,  
Sealdah Division, Eastern Railway,  
Sealdah, Kolkata - 700 014.
6. The Manager,  
United Bank of India,  
KNC Road, Barasat,  
Dist. North 24 Parganas.

.. Respondents


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

For the Respondents : Ms. S.D. Chandra, Counsel

**ORDER (Oral)**

Shri J.R. Das, Ld. Counsel for the applicant and Ms. S.D. Chandra, Ld. Counsel for the respondents is present in Court today.

2. The Ld. Counsel for the applicant states that the father of the applicant retired on attaining the age of superannuation on 31.12.1980 and died on 9.7.1995 as a Railway Pensioner. After the death of the father of the applicant, the mother of the applicant was getting family pension, who also died on 28.3.2003. It is the contention of Ld. Counsel for the applicant that the applicant got married on 22.1.1999 and ultimately a divorce decree has been given in her favour vide order dated 19.5.2007.
3. The Ld. Counsel for the applicant states that in the event of the death of the mother, the applicant who is a divorced daughter is entitled to get family pension. He also states that the applicant was receiving the family pension after the death of her mother but suddenly it has been stopped by the respondents.
4. The Ld. Counsel for the respondents vehemently opposed the contention of the Ld. Counsel for the applicant and states that as the applicant got divorce decree much after the death of her mother, the applicant is not entitled to get the family pension as per O.M. dated 18.9.2014 issued by the Ministry of Personnel, P.G. & Pensions, Department of Pension & Pensioners' Welfare.
5. The Ld. Counsel for the applicant states that there are several judgments in his favour by which the issue has already been adjudicated time and again and he states that on the basis of the pronouncements from the legal forum the claim of the applicant is valid and she is entitled for receiving family pension.
6. The applicant has preferred a representation dated 12.8.2015 on which no decision has been taken by the respondents as yet. On a query made to the Ld.



Counsel for the applicant whether he has attached all the pronouncements in applicant's favour and submitted the application to the respondents, the answer was in negative.

7. Accordingly, the applicant is directed to prefer a fresh representation attaching all the judgments relied upon by her in respect of her claim within 2 weeks from today and the respondents are directed to take a decision on the said representation in the light of the judgements attached by the applicant as well as per rules within one month after receiving the representation from the applicant along with certified copy of this order.

8. Accordingly, the O.A. is disposed of. No costs.

9. It is made clear that nothing has been commented on the merits of the case.



(Jasmine Ahmed)  
Judicial Member

SP