

**No. O.A. 350/01647/2017
M.A. 350/00907/2017**

Date of order: 7.5.2018

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

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

For the Respondents : None

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Mr. H. Das, Id. Counsel for the applicant is present.

2. This O.A. has been by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:-

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- "a) An order directing the respondent to consider the case of the applicant for ex-gratia lump sum compensation 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's Circulars.
c) An order directing the respondents to give benefit of judgment in O.A. No. 217/2013 dated 11.4.2013 and O.A. No. 350/00374/2016 date of order 31.1.2017 passed by the Hon'ble Tribunal, Calcutta Bench.
d) To direct the respondent authorities to produce all records of the case at the time of adjudication for conscionable justice.
e) And to pass such further order or orders as your Lordships may deem fit and proper."

3. The facts as stated by the applicant is that she is the only legally married wife of late Suklal Soren who died on 26.3.2003 in course of his employment. He was working as Trackman under (SE/PW1/KOU). He was run over and killed by CT-238 Dn train between Km-22/44-24/12 in between Burdwan & Howrah. A U/D Case No. 20/03 dated 26/3/2003 has also been registered at Kamar Kundu GRP. The present applicant files a case before the Learned Commissioner Workmen's Compensation praying for compensation. The said case was allowed by the Learned Commissioner. The applicant prays before the Railway Authorities claiming

payment of ex-Gratia lump sum compensation benefit due to the accidental death of her husband in terms of the Railway Board's circular. The said representations are still pending consideration.

4. Mr. Das, Ld. Counsel for the applicant submits that the applicant would be satisfied if a direction is issued upon respondent No. 1 to consider and dispose of the representation of the applicant dated 24.4.2016 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 1, that if any such representation as claimed by the applicant has been preferred on 24.4.2016 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 1 within a further period of six weeks from the date of such consideration for making payment of those admissible dues as directed by the Workmen's Compensation Commissioner to the applicant. However, if in the meantime, the said representation stated to have been preferred on 24.4.2016 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of. The M.A. for condonation of delay also stands disposed of accordingly.

8. As prayed for by Mr. Das, Ld. Counsel for the applicant 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 by this week.

(A.K. Patnaik)
Judicial Member

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