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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 177/ of 2016

Anima Chakraborty, senior citizen
and widowed mother of Late
Nabarun Chakraborty, wife of Late
Niranjan Chakraborty, aged about
71 years, House wife, Street No.
20/A, Quarter No. 7A, P.O.
Chittaranjan, District- Burdwan, Pin
No. 713331.

.....Applicant

Versus

- 1) Union of India through the
General Manager, Chittaranjan
Locomotive Works, P.O.Chittaranjan,
District- Burdwan, Pin 713331;
- 2) The Chief Secretary, Ministry
of Railways, Rail Bhaban, New Delhi-
11001;

অনিমা চক্রবর্তী

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- 3) The Chairman, Railway Board, Ministry of Railways, Government of India, New Delhi-110001;
- 4) The Chief personnel officer (PC), Chittaranjan Locomotive Works, P.O. Chittaranjan, District- Burdwan, Pin 713331;
- 5) The Personnel Officer (PC), Chittaranjan Locomotive Works, P.O. Chittaranjan, District- Burdwan, Pin 713331;
- 6) Smt. Chaitali Chakraborty, wife of Late Nabarun Chakraborty, daughter of Late Rama Prasad Chowdhury, Chhotonilpur, Pirtala, House No. 12, Ward No. 16 (Burdwan Municipality), Sripally, P.O. & P.S. and District- Burdwan, Pin 713101

And



अतिरिक्त २९-२३९

Working at the office of the A.G.
Bengal (Burdwan), Purta Bhavan,
Sagarghat, District- Burdwan, Pin
713104;

- ✓ 7) Monalisa Chakraborty,
daughter of Late Nabarun
Chakraborty, Minor presented by
her mother, Smt. Chaitali
Chakraborty, Chhotonilpur, Pirtala,
House No. 12, Ward No. 16
(Burdwan Municipality), Sripally,
P.O. & P.S. and District- Burdwan,
Pin 713101;

.....Respondents

WLL

No. O.A. 350/01771/2016

Date of order: 21.2.2017

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

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. T.K. Biswas, Ld. Counsel for the applicant. He has not filed affidavit of service.

2. The applicant has filed this O.A. under Section 19 of the AT Act, 1985 challenging the action of the respondents in not sanctioning pension in favour of the applicant with the following reliefs:-

"a. An order do issue commanding the concerned Respondent Authorities to produce entire records and proceedings unto this Learned Tribunal so that conscionable Justice may be done by declaring the Clause (ii) of the Sub-Rule 8 and Clause (b) of the Sub-Rule 19 of the Rule 75 of the Railway Services (Pension) Rules, 1993 and relevant similar provision of circulars e.g. RBE No. F/E/III/2005/PN/16 of 23.6.2005 (RBE/04/05), are ultravires to the Constitution of India and offends Article 14 of the Constitution of India and to strike down the same as void.

b. An order commanding the respondent authorities and in particular the Respondent No. 1, 3 and 4 to sanction and release the family pension of Nabarun Chakraborty since deceased in favour of the applicant as to be determined by this Learned Tribunal and also commanding the respondent authorities to pay interest accrued thereon from 25.4.2015 till the date of payment release of the said family pension.

c. An order commanding the respondent authorities in particular the respondent Nos. 3 and 4 to issue Family pension payment order in favour of the applicant.

d. An interim order for payment of adhoc family pension of her share in favour of the applicant to survive the days pending disposal of this application.

e. An order directing the Respondent No. 6 to refund the total pension received by the Respondent No. 6, if she receives any amount of pension as widow of the deceased employee.

f. An order directing the Respondent authorities to produce the

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relevant circulars issued by the Respondent No. 3 (Railway Board) in respect of the Family Pension Scheme for Railway Servants and the same should be supplied to the applicant for the interest of justice.

g. Pass such other order/orders and/or direction/directions as to Your Lordships may deem fit and proper.

h. An order directing the Railways-Respondents to sanction as well as release the dues of the Death-cum-Retirement benefits of the deceased employee to the applicant, if any.

i. Costs."

2. The Ld. Counsel for the applicant submitted that she left the family of the deceased employee on 31.7.2010. On 2.8.2011 a Matrimonial Suit U/S 13(i) of the Hindu Marriage Act was filed. The employee died on 25.4.2015. The applicant submitted an Advocate's notice on 17.5.2016 which cannot be taken as a representation. She has also submitted representations on 4.6.2015 and 8.6.2015 but till date she has not received any response.

4. Therefore, without waiting for the reply we think it appropriate to dispose of this O.A. by directing the respondent No. 4 that if any such representation has been preferred on 4.6.2015 & 8.6.2015 and still pending consideration then the same may be considered and disposed of by way of a well reasoned order within a period of two months 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 those benefits to the applicant.

5. A copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. T.K. Biswas undertakes to deposit necessary cost within a period of 7 days.

6. With the aforesaid observation and direction, the O.A. is disposed of.
No costs.



7. It is made clear that we have not expressed any opinion on the merits of the case. All points are kept open for consideration by the respondent No. 4.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

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