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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. NO. 350/1783 OF 2017

SMT. AMARAWATI DEVI

Wife of Late Kanhaiya Gore as
housewife aged about 30 years,
residing at 50/1, G.T. Road, P.S.
Golabari, Pilkhana, Howrah-1.

... Applicant

-Versus-

1. Union of India, service
through the General Manager,
Eastern Railway, Fairlie Place,
Kolkata - 700 001.

2. The Divisional Railway
Manager, Eastern Railway,
Howrah - 700 001.

... Respondents.

ATL
Vd

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No.O.A.350/1783/2017

Date of order : 24.05.2018

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

For the applicant : Mr. B. Chatterjee, counsel
Ms. T. Maity, counsel

For the respondents : Mrs. S.D. Chandra, counsel

ORDER (ORAL)

A.K. Patnaik, Judicial Member

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

"8(i) An order directing the respondent to consider the representation dt. 18.09.17 of the applicant for extra lump sum compensation forthwith along with interest as admissible under the rules without any delay tactics;

(ii) 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;

(iii) To direct the respondent authorities to produce all records of the case at the time of adjudication for conscientious justice;

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

2. Heard Mr. B. Chatterjee leading Ms. T. Maity, Id. counsel for the applicant.

Mrs. S.D. Chandra, Id. counsel for the official respondents is also present and heard.

3. Brief facts of the case as narrated by Mr. B. Chatterjee, Id. counsel for the applicant are that the applicant's husband Late Kanhaiya Gore, Ex-Trackman under the respondents met with a train accident and died on 03.07.2013 while

[Signature]

working at Balaslai Bridge Station, Birbhum between 131/9/132 KM Post. It is submitted by Mr. Chatterjee that a case No.39/13 was registered in the local police station on 03.07.2013. It is further submitted by Mr. Chatterjee that after such unfortunate accident the applicant approached the railway authorities several times praying for payment of ex-gratia lump sum compensation on account of death of her husband, but her case has not been considered by the respondent authorities. Being aggrieved and dissatisfied with such inaction of the respondents, the applicant has come to this Tribunal praying for the aforesaid reliefs.

4. Mr. B. Chatterjee, Id. counsel for the applicant submitted that the applicant made a representation to the Respondent Nos.1 and 2 on 18.09.2017(Annexure A/2) but received no response from the authorities till date. Mr. Chatterjee further submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.1 or 2 or any other competent authority to consider and dispose of the representation of the applicant dated 18.09.2017(Annexure A/2) as per rules/guidelines in force, within a specific time frame.

Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties if such prayer of the Id. counsel for the applicant is allowed.

5. Accordingly the Respondent No. 1 or 2 i.e. the General Manager, Eastern Railway, Kolkata or the Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah or any other competent authority is directed to consider and dispose of the representation of the applicant dated 18.09.2017(Annexure A/2) as

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per rules and guidelines governing the field and communicate the decision to her by way of a well reasoned order within a period of six weeks from the date of receipt of a copy of this order. After such consideration, if the applicant is found entitled to the benefits as claimed in the representation, the respondent authorities shall grant such benefits to her within a further period of six weeks from the date of taking decision in the matter.

6. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

7. With the above observations and directions, the O.A. is disposed of. No order as to cost.

8. A copy of this order be handed over to d. counsel for both sides.



(A.K. Patnaik)
Judicial Member

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