

No. O.A. 350/01830/2017

Date of order: 26.3.2018

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

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. B. Kumar, Counsel

O R D E R (Oral)**A.K. Patnaik, Judicial Member:**

Heard Mr. B. Chatterjee, Ld. Counsel for the applicant and Mr. B. Kumar, Ld. Counsel for the official respondents.

2. By drawing my attention to Annexure "A-4" dated 29.12.2016, Mr. B. Chatterjee, Ld. Counsel submits that once the official respondents have decided to withdraw the order of removal of the deceased Govt. employee, therefore, there should not be any impediment on the part of the official respondents to grant the widow of the deceased employee (applicant) with family pension and other reitral benefits. On going through the said order under Annexure "A-4" I find it reads as under:-

"



Sri Biroo, S/o. Shyam, Trackman under SSE/P. Way/STN was removed from service w.e.f. 28.1.2003 vide Punishment Notice No. E/25/Biroo dt. 28.1.2003 after completion of DAR enquiry.

Upon hearing of O.A. 859 of 2011, Hon'ble CAT/Kol was pleased to pass order quashing the impugned order of removal from service as aforesaid and remanding the matter back to the Disciplinary Authority for passing appropriate order providing family pension to the widow along with proportionate gratuity amount & settlement benefit in accordance with law.

The order of removal from service issued in f/o Biroo vide memorandum No. E/25/Biroo dt. 2003 is hereby withdrawn in compliance to the Hon'ble CAT/KOL's order dt. 30.3.2016 in O.A. 859 of 2011 dt. 30.3.2016.

Under above circumstances, widow of Lt. Biroo may be provided with family pension & all want settlement benefit as per Extant Establishment Rule.

Asstt. Engineer (Line)
E. Rly, Asansol"

3. In view of this, I do not think that it would be prejudicial to either of the

sides if a direction is issued to the respondent No. 3 to act as per the Office Order dated 29.12.2016 under “Annexure A-4” within a period of six weeks from the date of receipt of a copy of this order and take necessary steps for disbursement of those payments as admissible to the applicant within a further period of six weeks thereafter.

4. With this direction, the O.A. is disposed of.
5. A copy of this order be handed over to Ld. Counsel for both parties.

(A.K. Patnaik)
Judicial Member

SP

