

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A.350/01849/2015

Date of order : 24.08.2016

Present : Hon'ble Justice Mr. Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

KHAIRUN BIBI

VS.

UNION OF INDIA & OTHERS
(Eastern Railway)

For the applicant : Mr. A. Mukherjee, counsel
For the respondents : Mr. A.K. Banerjee, counsel

ORDER

Per Justice V.C. Gupta, J.M.

Heard Id. counsel for the applicant and Id. counsel for the respondents on the M.A. and perused the record.

2. This application has been filed under Section 19 of Administrative Tribunals Act seeking the following reliefs:-

- a) The respondent authorities may be directed to forthwith resume and release the Family Pension in favour of the applicant;
- b) The respondents be further directed to release the Family Pension amounts payable to the applicant along with interest @ 18% per annum with effect from January, 2015 till the date on which such amount as prayed for hereinabove is actually paid to the applicant;
- c) The respondent authorities may be directed to pay the costs of this application to the applicant;
- d) Any other or further order or orders to which the applicant may be found entitled by this Hon'ble Tribunal in the interest of justice, equity and fair play."

3. The facts in brief are that the applicant claimed herself to be the daughter of Late Hatim who was a railway employee. She claimed family pension on account of death of her husband and was granted the same.

All of a sudden the family pension has been stopped without communicating the reasons for stoppage of the same.

4. However, a letter has been issued by the respondents to the applicant, dated 18/22.06.2015, which has been annexed as Annexure A-9, page 54 of the O.A. Said letter is reproduced herein below:-

“On the basis of your letter, dtd. 12.01.2015, the case has been re-scrutinised. As per order of competent authority, you are requested to produce PROPER and ORIGINAL Talaknama for verification.”

In response to that, a legal notice dated 15.10.2015 has been issued by the applicant through Animesh Mookerjee, Advocate which is annexed as Annexure A-10 to the O.A.

5. It appears that instead of filing the relevant original document as asked for, the applicant demanded family pension from the respondents forthwith with interest through her advocate. The notice does not reveal that the original document has been placed before the authorities in pursuance of the letter dated 18/22.06.2015. As per rules, the authorities are fully competent to direct the pensioner to produce the original document and verify the same during continuance of pension, if they found something fishy or doubtful.

6. In view of the above, we are of the view that this application may be disposed of not in terms of the reliefs claimed, but by molding the reliefs as per the present circumstances. Therefore, the following directions are issued to the applicant and the respondents:-

The applicant shall produced the required original document as mentioned in the letter dated 18/22.06.2015 within 15 days along with a copy of this order before the competent authority. On receipt of the same

(DMS) /

the competent authority shall make necessary enquiry and pass a reasoned and speaking order regarding continuance/discontinuance of pension of the applicant under intimation to the applicant within a period of two months from the date of receipt of this order.

7. With these observations, the O.A. is finally disposed of. No order as to cost.

(J. Das Gupta)
Administrative Member

(Justice V.C. Gupta)
Judicial Member

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