



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/152/2015

Date of order : 1.5.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

ANNAPURNA BASAK

Divorced daughter of
Late Radha Ranjan Basak
Ex-Sr. Clerk of Dy.CME(C)/KPA
R/o Kamarpara, PO-Natagarh,
PS - Ghola, Dist. - 24 Pgs (N),
Pin - 700113.

...APPLICANT

VERSUS

1. Union of India, through
The General Manager,
Eastern Railway,
Fairlie Place,
Kolkata - 700001.

2. Assistant Personnel Officer,
For Chief Works Manager,
Eastern Railway,
Kanchrapara,
Pin - 743145.

...RESPONDENTS

For the applicant : Mr. S. Chakraborty, counsel
Mr. N. Roy, counsel

For the respondents: Mr. S. K. Das, counsel

O R D E R (ORAD)

Per Ms. Manjula Das, Judicial Member

Mr. S. Chakraborty, Id. Counsel assisted by Mr. N. Roy, Id. Counsel appeared for the applicant and Mr. S. K. Das, Id. Counsel appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals' Act, 1985 seeking the following reliefs :

- A direction do issue upon the respondents to take steps to release the family pension in favour of the applicant with all arrears amount;
- A direction upon the respondent to take steps to release the amount on account of interest for non-payment arrear pension as applicant is entitled for.

- c) A direction also do issue directing the respondent to produce entire record at the time of hearing.
- d) And to pass any other order or orders as Hon'ble tribunal may deem fit and proper.

3. The brief fact of the case as narrated by the applicant in the OA is that the father of the applicant Latge Radha Ranjan Basak was an employee of Eastern Railway, who retired from service on superannuation on 31.7.1975 and expired on 23.2.1986. Till his death he was enjoying service pension and after his death his wife, mother of the applicant was granted the family pension on 24.9.1986. Unfortunately the mother died on 30.5.2011. The applicant who is a divorcee was living with her mother since 2010. After the death of her mother, the applicant applied for family pension before the respondent authorities on 26.3.2012 and the respondent authorities denied the family pension to the applicant on 9.8.2014. Hence the applicant has approached this Tribunal in the present OA for grant of family pension in her favour.

4. Mr. Chakraborty, Id. Counsel for the applicant fairly submitted that at this stage the applicant will be satisfied if the OA is disposed by giving liberty to the applicant to file a comprehensive representation before the concerned respondent authority which shall be considered and disposed of within a specific time frame. Mr. Chakraborty has relied upon the OM of Ministry of Defence, Dept. of Ex Servicemen Welfare dated 17.11.2017 regarding eligibility of widowed/divorced daughter for grant of family pension, in this regard. Mr. Das, Id. Counsel for the respondents on the other hand, submitted that the memorandum which has been relied upon by the Id. Counsel for the applicant is not applicable in the present case.

5. However, by accepting the prayer of Id. Counsel for the applicant and without going into the merits of the case, I dispose of the present OA by directing the applicant to file a comprehensive representation before the appropriate authority within a period of one month from the date of receipt of the copy of this order. The respondent authorities shall consider and dispose of the said representation, if preferred by the applicant, by giving an opportunity of being heard and pass a reasoned and speaking order within a period of three



months from the date of receipt of the ~~order~~ . The decision so arrived ^{at} shall be communicated to the applicant forthwith.

6. With the above observation and direction the OA therefore stands disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

in

