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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/00248/2017

Date of Order: 05.03.2018

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

Bela Rani Ghosh, wife of late Dipak Ranjan Ghosh, aged about 73 years, residing at C/O Goutam Kumar Ghosh, Qrt. No. C/101, ITI Campus, Kharagpur, Post Office- Kharagpur, Tech Post Office, District- Paschim Midnapur, Pin- 721302.

.....Applicants.

-vs-

1. Union of India, through General Manager, South East Central Railway, Bilaspur 495004.
2. General Manager, S.E. Railway, Garden Reach, Kolkata 700043.
3. Divisional Railway Manager, South East Central Railway, Bilaspur 495004.
4. Senior Divisional Personnel Officer, South East Central Railway, Bilaspur 495004.
5. Sadhana Khanra, Village – Ramchandrapur, Post Office- Sankrail, District- Howrah.

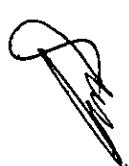
.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : None

ORDER (Oral)Per Ms. Manjula Das, Judicial Member:

Heard Mr. A. Chakraborty, learned counsel for applicant. None for respondents.



2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"An order do issue directing the respondents to release family pension in favour of the applicant with arrears since her husband, Ex-railway employee died on 31.12.2015."

3. The brief facts of the case as narrated by the Id. Counsel for the applicant is that the applicant is the legal wife of the deceased husband who died on 31.12.2015. The son of the applicant was born on 13.02.66. The deceased husband was the employee of the Railway Authority who was working as Lab Assistant in South East Central Railway and retired from service on superannuation on 30.11.1995.

It was stated in the application that the ex-employee i.e. the husband of the applicant deserted her and their son in the year of 1982, as a result the applicant approached before the Additional Chief Judicial Magistrate, Asansol vide Misc. Case No. 37/1992 under Section 125 of Cr. P.C. by claiming maintenance.

Mr. A. Chakraborty, Id. Counsel for applicant pointed out that another lady, namely, Mrs. Sadhana Khara's name was recorded in the Service Book of the deceased employee as wife of the ex-employee, late Dipak Ranjan Ghosh. On query the authority intimated that as there is a death certificate of first wife, namely, Bela Rani Ghosh has been produced by the deceased employee himself and replaced the name of Sadhana Khara as a wife, the family pension has been disbursed to her and she is getting the family pension. Hence, this application has been filed by the applicant before this Tribunal.



4. Learned counsel for applicant submitted that after the death of her husband the applicant did make representation dated 22.01.2016 inter alia stating that she is the widow of the deceased employee late Dipak Ranjan Ghosh and she is entitled the family pension and other consequential benefits under the provision of law and accordingly requested to release the family pension and consequential benefits. However, the respondent authority did not response to her representation.

5. Ld. Counsel for applicant, however, submits that presently the applicant will be satisfied if a direction is given to her to file a comprehensive representation before the appropriate authority and respondents be directed to consider and dispose of the same within a time frame.

6. By accepting the prayer of the Counsel for the applicant and without going into the merits of the case, I hereby dispose of the OA by directing the applicant to make a comprehensive representation by making her grievances before the competent authority within a period of two weeks from the date of receipt of the order. On receipt of such representation the respondent authority shall dispose of the same within a period of three months thereafter with a reasoned and speaking order. The decision so arrived, shall be communicated to the applicant forthwith.

7. With the above direction, OA is disposed of. No order as to costs.



(Manjula Das)
Member (J)