

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



O.A. No. 350/314/2017  
M.A.No.350/199/2017

Dated : 20.02.2018

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

Mrs. Pratima Sarkar, widow of  
Ashok Kumar Sarkar, since deceased  
Aged about 60 years, Profession: Housewife,  
Village-Kheya, P.O. Akna, P.S. Polba,  
District Hooghly, Pin-712148

..... Applicant.

Versus

1. Union of India,  
Service through the General Manager,  
Eastern Railway, 17, Netaji Subhas Road,  
Fairly Place, Kolkata-700001;
2. The Divisional Railway Manager,  
Howrah Division, Eastern Railway,  
Howrah, Pin-711101

..... Respondents

For the applicant : Mr. J.R. Das, counsel

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

**ORDER (Oral)**

The applicant has filed this OA under Section 19 of the Administrative  
Tribunals Act, 1985 seeking the following reliefs:

- "8.(i) Order do issue directing upon the respondents to disburse the Ex-gratia lump sum compensation of her husband Ashok Kumar Sarkar since deceased in favour of the applicant within forth;
- (ii) Order do issue directing upon the respondents to transmit and submits before the Hon'ble Tribunal all the records and paper in connection with the case;

- (iii) Order do issue directing upon the respondents to give interest @ 1.8% for delay payment of compensation;
- (iv) Any other relief or reliefs as may be admissible on the basis of the Adjudication of the matter;
- (v) Cost of the proceedings."

2. The applicant has also filed an M.A.No.350/199/2017 under Section 21(3) of the Administrative Tribunals Act, 1985 praying for condonation of delay in filing the O.A.

3. Heard Id. Counsel Mr. J.R. Das for the applicant and Id. counsel Mr. A.K. Banerjee for the respondents on the M.A. for condonation of delay.

4. Id. counsel for the applicant Mr. J.R. Das submitted that the applicant is a poor, indigent and illiterate village lady having no knowledge of the provisions of compensation provided by the Indian Railways in terms of Board's letter i.e. Sl.No.53/2009 for the family of the deceased, therefore, she could not file the O.A. in time. Mr. Das, Id. counsel for the applicant further submitted that if such unintentional delay is not condoned, the applicant will suffer from irreparable loss and injury.

5. Id. counsel for the respondents vehemently opposed the submissions made by Id. counsel for the applicant and submitted that the applicant has filed this case long after the cause of action arose in the matter and has not furnished any reasonable explanation for the delay in filing the O.A. and mentioned some reasons which are not maintainable under the rules, therefore, the M.A. for condonation of delay may be dismissed.

6. Having considered the submissions of Id. counsel for both sides, the M.A.No.350/199/2017 is allowed in the interest of justice.



7. Now the O.A. is taken up for hearing.

8. Brief facts of the case as narrated by Id. counsel for the applicant Mr. J.R.

Das are that the applicant is the wife of Late Ashok Kumar Sarkar who was working under the D.R.M., Howrah Division, Eastern Railway and subsequently posted at Bandel Railway Station. Id. counsel for the applicant further submitted that while the husband of the applicant was on duty on 28.10.1995, he met with a fatal accident, sustained severe injuries and died on spot on the same day. It was submitted Id. counsel for the applicant that after demise of her husband the applicant approached the respondent authorities with a prayer for making Ex-gratia compensation amount vide letter dated 10.01.2016 and 23.12.2016(Annexure A/5), but the respondent authorities did not consider her case. Being aggrieved the applicant has approached this Tribunal seeking the aforesaid reliefs.

9. Id. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the respondent authorities to consider the last representation of the applicant dated 23.12.2016(Annexure A/5) as per rules within a specific time frame.

Ld. counsel for the respondents has no objection to such prayer.

10. In my considered view, it would not be prejudicial to either of the parties if a direction is issued to the respondents to consider and dispose of the representation of the applicant as per Rules. Accordingly, without going into the merits of the case the respondent authorities are directed to consider and dispose of the representation of the applicant dated 23.12.2016(Annexure A/5) as per Rules and regulations governing the field and pass a reasoned and speaking



order within a period of 3 months from the date of receipt of this order. The decision so arrived at shall be communicated to the applicant forthwith.

11. Accordingly the O.A. is disposed of. No order as to costs.

(Manjula Das)  
Member (J)

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