



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/315/2017

Date of order : 15.5.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative member

SOMA DASGUPTA

Unemployed,
D/o Late Gopal Chandra Dasgupta,
Retired as Sr. Traffic Inspector (A),
South Eastern Railway,
Garden Reach, Kolkata,
R/o 26/A R.G.Kar Road,
Kolkaa - 700004.

...APPLICANTS

VERSUS

1. Union of India, through
General Manager,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.
2. General Manager,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.
3. Financial Advisor & Chief Accounts Officer,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.
4. Sr.AFA (Settlement)/
SER/GRC,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.
5. Chief Personnel Officer,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.

RESPONDENTS.

For the applicants: Mr.B.Chatterjee, counsel

For the respondents: Mr.C.S.Bag, counsel

W.R.

O R D E R (ORAL)

A.K.Patnaik, Judicial Member

Heard Mr.B.Chatterjee, Id. Counsel appearing for the applicant and Mr.C.S.Bag, Id. Counsel appearing for the departmental respondents.

2. This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) To quash and set aside the impugned order dated 12.8.2015 issued by the General Manager, South Eastern Railway, Garden Reach, Kolkata – 700043.
- b) To declare ultra vires the OM dated 11.9.2013 being order No.1/13/09-P&PW(E) and the Railway Board Circular vide No.E(E) III/2007/PN-1/5 dated 26.9.2013 and circulated by CPO/SER vide Estt.Srl.No.105/2013.
- c) An order directing the respondent authority for granting family pension to the applicant month by month along with arrear and interest in favour of the applicant within a specific time period.
- d) Such other or further order or orders as Your Lordships may deem fit and proper;

4. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant is the ~~widowed~~/divorced daughter of the ex employee Late Gopal Chandra Dasgupta, who died in 2006 and his pensionary benefit was enjoyed by his widow, the mother of the applicant. The applicant was married in 1992 but due to psychological and physical torture by her husband, was bound to abandon her husband's residence and reside permanently at her parental home from 1999. The applicant being unemployed housewife was dependent on the pensionary benefits of her father, the ex employee. The applicant got divorced on 24.6.2011.

The mother of the applicant was receiving the pensionary benefit but she also died in 2010. Consequently the respondent authorities stopped the pensionary benefit to the applicant after the death of her mother. The applicant being aggrieved approached this Tribunal in OA 1377/14 which was disposed of by an order dated 9.6.2015 by directing the respondent authority to consider the grievance of the applicant. The respondent authority vide letter dated 12.8.2015 communicated the applicant that she is not eligible to receive family pension. The applicant in the meantime came to know about an order of this Tribunal dated 30.6.2016 where the Tribunal directed to grant family pension

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to the aggrieved litigant who was similarly situated as the present applicant. Claiming such benefit the applicant preferred a representation before the respondent authority on 9.9.2016, but till date the respondent authorities have not considered her grievance. Hence the applicant has approached this Tribunal in the instant OA.

5. Mr.Chatterjee, Id. Counsel for the applicant submitted that the grievance of the applicant will be more or less redressed if the Railway respondents are directed to consider and disposed of the representation dated 9.9.2016 stated to have been preferred by the applicant addressed to respondent No.2 within a specific time frame.

6. We do not think it will be prejudicial to either sides if this OA is disposed of at the admission stage itself by directing the respondent No.2 to consider the representation dated 9.9.2016 stated to have been preferred by the applicant as per rules and regulations in force and communicate the result thereof to the applicants by way of a well reasoned order, within one month from the date of such consideration.

7. Therefore without entering into the merit of the case we dispose of the instant OA at the admission stage itself with a direction to the respondent No.2 to consider the representation dated 9.9.2016 stated to have been preferred by the applicant as per rules and regulations and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within one month from the date of receipt of this order.

8. Though we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation stated to have been preferred by the applicant, are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force, still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of three months from the date of such consideration to redress his grievance.

9. With the above observation and direction the OA is disposed of. No costs.

W.A.

10. As prayed for by Mr.Chatterjee, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

(JAYA DAS GUPTA)
ADMINISTRATIVE MEMBER

(A.K.PATNAIK)
JUDICIAL MEMBER

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