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In the Central Administrative Tribunal

Calcutta Bench, "Lizam Palace",

234/4, P. C. Rose Road, Kolkata-700020.

H.A. No. 475 of 2018

O.A. No. 951 of 2018

In the matter of :

An application under section 19  
of the Administrative Tribunal

Act, 1986 :

-And-

In the matter of :

1. Jma Kanta Mukhi
2. Prakash Chandra Mukhi,

both are sons of late Gobina

Chandra Mukhi and Late Jamini

Kangal at Railway Quarter No.

M/3, Unit-3, Post Office Hizable,

Police Station Kharagpur (Town),

District Paschim Medinipur,

Pin-721 306.

... Applicants

*il*

2.

~~-Versus-~~

1. Union of India,

service through the

General Manager, South -

Eastern Railway, 11, Garden

Reach Road, Kolkata-700 043.

2. The Divisional Railway Manager,

South Eastern Railway, Kharagpur

Division, District Paschim

Medinipur, PIN-721 301.

3. The Senior Divisional Personnel

Officer, South Eastern Railway,

Kharagpur Division, Kharagpur,

District Paschim Medinipur,

PIN-721 301.

... Respondents

*Handwritten signature*

No. O.A. 350/00951/2018  
M.A. 350/00475/2018

Date of order: 23.7.2018

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Ms. K. Bhattacharyya, Counsel

For the Respondents : None

**ORDER (Oral)**

**A.K. Patnaik, Judicial Member:**

Heard Ms. K. Bhattacharyya, Ld. Counsel for the applicant.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

"(i) Order do issue directing upon the respondents to disburse the ex-gratia lump sum compensation money to the applicant as per circular dated 5.11.1999, 8.2.2006, 30.9.2008 and 1.5.2007 forthwith considering the application of the applicants dt. 5.5.2018

(ii) Order do issue directing upon the respondents to transmit and submit before the Hon'ble Tribunal the records and papers in connection with the case;

(iii) Order do issue directing upon the respondents to give interest @ 18% per cent 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) Liberty may be given under Section 4(5)(a) of the Central Administrative Rule to move this application jointly;

3. As prayed for by Ms. K. Bhattacharyya, Ld. Counsel for the applicant, that Jamini Kangal, mother of the applicants, was an employee under the respondents and met with an accident while performing her duty and died on 6.2.1998 and the applicants got compensation under West Bengal Workmen Compensation Act, 1923 and applied before the respondent authority on 5.5.2018 for giving them ex-gratia lump sum compensation amount as per circulars dated 5.11.1999, 8.2.2006, 1.5.2007 and 30.9.2008 of the Railway Board. She preferred a representation on 5.5.2018, which is still pending consideration.

*blc*

4. Ms. K. Bhattacharyya, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 1 to dispose of the representation dated 5.5.2018 taking into consideration the provisions of letter dated 5.11.1999 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 1, that if any such representation as claimed by the applicant has been preferred on 5.5.2018 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 1 within a further period of three months from the date of such consideration to extend the benefits ex-gratia lump sum compensation to the applicant. However, if in the meantime the said representation stated to have been preferred on 5.5.2018 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of. M.A. also stands disposed of accordingly.

8. As prayed for by Ms. K. Bhattacharyya, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 1 by speed post for which Ms. K. Bhattacharyya undertakes to deposit necessary cost in the Registry by the next week.

  
(A.K. Patnaik)  
Judicial Member