



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH, NIZAM PALACE,
234/4, A.J.C. BOSE ROAD,
KOLKATA-700020.

O.A. No. 350/00568 of 20¹⁷~~16~~

In the matter of :

Smt. Jully Kumari, wife of Late
Shyam Kumar Das, service holder
aged about 23 years, residing at
Village: Mohan Chak, P.O.
Khushihalpur, P.S. Khushihalpur,
Dist: Malda, West Bengal, Pin: 801306

...Applicant

-Versus-

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

...Respondents

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O.A.No.350/568/2017

Date : 04.12.2017

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

For the applicant : Mr. L.M. Ghosh, counsel

For the respondents : Mr. B.K. Roy, counsel

ORDER

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved for non-payment of ex-gratia lump sum compensation on account of death of her husband, Late Shyam Kumar Das.

2. In the O.A. the applicant has prayed for the following reliefs:-

"(A) An order directing the respondent to consider the case of the applicant for ex-gratia lump sum compensation forthwith along with interest as admissible under the rules without any delay tactics.

(B) An order directing the respondents to deal with and disposed of the representations made by the applicant herein in terms of Railway Board's Circulars.

(C) An order directing the respondents to give benefit of judgment in O.A. No. 217/2013 dated 11.04.2013 passed by the Hon'ble Tribunal Calcutta Bench.

(D) To direct the respondent authorities to produce all records of the case at the time of adjudication for conscionable justice.

(E) And to pass such further other order or orders as your Lordships may deem fit and proper."

3. Brief facts of the case as narrated by the Id. counsel for the applicant Mr. L.M. Ghosh are that the applicant is the only legally married wife of Late Shyam Kumar Das who died on 16.11.2013 in course of his employment as Shunt Man.

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He further submitted that while working under the respondents as Shunt Man, Mr. Das dashed against the buffers and got serious injuries and due to such injuries he died on the same day. Due to such accident, a case was registered at Burdwan GRPS being U/D Case No. 171/2013 dated 16.11.2013 by the competent authority. The applicant filed a claim case before the Learned Commissioner, Workmen's Compensation praying for compensation. The said compensation case was allowed by the Learned Commissioner. Mr. Ghosh also submitted that the applicant prayed before the Railway Authorities for payment of ex-gratia lump sum compensation benefits due to the accidental death of her husband in terms of the Railway Board's circular but the Railway authorities did not pay any ex-gratia lump sum compensation to the applicant despite of sending several representations as well as several visits in the office of the Railway Authorities. Being aggrieved by non payment of the ex-gratia lumpsum compensation by the Railway authorities, the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. I have heard Mr. L.M. Ghosh, Id. counsel for the applicant and Mr. B.K. Roy, Id. counsel for the respondents and perused the materials available on record.

5. Id. counsel for the applicant Mr. Ghosh submits that the applicant would be satisfied for the present if the respondent authorities are directed to consider the representation of the applicant dated 14.12.2016 (Annexure A/3) as per the rules and regulations in force and communicate the decision to the applicant within a specific time frame.

6. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer



is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representations to the authorities ventilating her grievances, no reply has been received by her till date.

7. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."

8. Though no notice has been issued to the respondents for filing reply, considering the aforesaid facts and circumstances I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representations of the applicant as per the relevant rules and regulations governing the field. Accordingly the Respondent No.1 i.e. the General Manager, Eastern Railway, 17, Netaji Subhas Road, Kolkata is directed to consider and dispose of the representation of the applicant dated 14.12.2016(Annexure A/3), if such representation is still pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of six weeks from the date of receipt of a certified copy of this order. If the applicant's claim is found to be genuine, the

benefits as claimed in the representation be granted to her within period of further six weeks from the date of taking decision in the matter.

9. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

10. As prayed by Id. Counsel for the applicant Mr. L.M. Ghosh, a copy of this order along with the paper book may be transmitted to the Respondents No.1 by speed post by the Registry for which Mr. Ghosh undertakes to deposit the cost within one week.

11. With the above observations the O.A. is disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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