

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00095/2019

Date of Order: This, the 01st day of April 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

Lakhi Karmakar
(Mother of Shri Rajesh Karmakar)
w/o Ranu Karmakar
R/o – Relief Yard Colony, Private House
Nagar Para W/D No. 10, Lumding
P.O./P.S. – Lumding, Dist – Hojai, Assam
Pin – 782447.

...Applicant

By Advocates: Mr. N.K. Murry

-VERSUS-

1. The Union of India
Represented by the General Manager (P)
N.F. Railway, Maligaon, Guwahati
Assam, Pin – 781011.
2. The Chief Personal Officer
N.F. Railway, Maligaon
Guwahati , Assam, Pin – 781011.
3. The Divisional Railway Manager
N.F. Railway, Lumding Division
Lumding, Dist – Hojai, Assam
Pin – 782447.
4. The Divisional Railway Manager (P)
N.F. Railway, Lumding Division
Lumding, Dist – Hojai, Assam
Pin – 782447.

5. The SSE/P. way/HILL/LMG
N.F. Railway, Lumding Division
Lumding, Dist – Hojai, Assam, Pin – 782447.
6. Rajesh Karmakar
S/o Ranu Karmakar
R/o – South Hill Colony
Railway Quarter No. 497/B
P.O. & P.S. – Lumding
Dist – Hojai, Assam, Pin – 782447.

... Respondents

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- “8.(i) That the Hon'ble Tribunal be pleased to issue an Order to the respondent as per the railway conduct rule 1966 to pay the maintenance to the old aged applicant who is unable to maintain herself from the salary of the Respondent No. 6 atleast Rs. 15,000/- (Fifteen thousand Rupees) only per month.
- (ii) That the Hon'ble Tribunal be pleased to held that prayer of the applicant may be considered as per the Hindu adoption and Maintenance Act, 1956 and/or alternatively passed an appropriate order (s)/direction (s) directing the concerned respondent authorities to deduct from the salary of the respondent No. 6 by transacting in her State Bank of India Bank Account being No. 37660724462 of Lumding Branch a reasonable amount for treatment of her health and for taking care for her subsistence.
- (iii) Costs of the application.
- (iv) Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.”

2. It was submitted by Mr. N. K. Murry, learned counsel for the applicant that applicant husband was appointed in service in the Railway Department and undertook voluntarily retirement on 31.12.2013 as a Senior Track Man under the Divisional Railway Manager (P), N.F. Railway, Lumding Division. After his retirement on 31.12.2013, he was drawing his pension. After being undertaken retirement on 31.12.2013, the son of the applicant namely Rajesh Karmakar (son of the applicant husband namely Ranu Karmakar) was appointed and posted as Track Man in Gang No. 13 under SSE/Pway/HILL/LMG in the existing vacancy on 08.01.2014.

3. According to the learned counsel, although her husband has been drawing the pension but because of the family problems as well as being a minor daughter namely Puja Karmakar required expenses for her studies. Moreover, the applicant as well as her husband being an ill health persons suffering from severe illness required to undertake proper treatment. Her son is drawing a handsome salary of Rs. 34598/- only approximately but not interested to look after his helpless family members who are in extreme hardship and requires to undertake proper treatment. Having no other option, the applicant approached before the General Manager (P), N.F. Railway, Maligaon, Guwahati and the Divisional Account officer, N.F. Railway, Lumding Division on 19.11.2018 and 24.11.2018 praying for maintenance allowance from the salary as payable to their son

namely Rajib Karmakar. Another representation dated 24.11.2018 was also made before the Divisional Railway Manager (P), N.F. Railway, Lumding Division praying for maintenance allowance of Rs. 15,000/- only per month to deduct from the salary as a maintenance allowance.

4. Learned counsel has drawn our attention to the Annexure-1, which is instruction dated 28.04.2005 issued by the Railway Board on the subject of "Conduct of a Railway servant in relation to the proper maintenance of his family". According to Mr. Murry, the applicant and her husband are old aged persons and suffering from various ailments and even their daughter is a school going students. Although their son was appointed under the railway department and drawing handsome salary, but he refused to take care of the aged parents as well as school going sister. Hence the present O.A. before the court for redressal.

5. Mr. Murry has highlighted that in a similar case, this Tribunal vide order dated 27.09.2018 in O.A. No. 040/00332/2018 (Mrs. Daikhya Rani Kar) directed the respondent authority to investigate and settle the issue in the light of the instruction dated 28.04.2018. Hence learned counsel prays similar direction in the case of the present applicant also.

6. Mr. Murry submits that in the similar case No. O.A. No. 040/00332/2018 (Mrs. Daikhya Rani Kar), the applicant did not make

any complaint. However, in the instant case, the applicant made a complaint on 27.01.2019 for taking necessary action as well for maintenance allowance at least Rs. 15,000/- . But the same has been pending for taking necessary action.

7. In view of the above and after hearing the learned counsel for the applicant, we deem fit and proper to direct the respondent authority to investigate and settle the issue in the light of their instruction dated 28.04.2005 immediately but not later than two months from the date of receipt copy of this order keeping in mind that the applicant and her husband are old aged persons and suffering from various ailments and even their daughter is a school going students.

8. With the above direction, O.A. stands disposed of accordingly at the admission stage. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)