

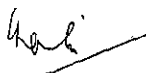
LIBRARY**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA****No. O.A. 968 of 2018
M.A. 484 of 2018****Date of order: 19.11.2018****Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member**

I. Sukumar Chakraborti,
Son of Late Rajani Kanta Chakraborty,
Aged about 88 years,
Worked as Office Superintendent, Grade-I
In the office of the Senior Divisional Security
Commissioner, RPF,
South Eastern Railway,
Kharagpur, (retired on April 30, 1987),
Residing at Gaikata, Jhapetapur, Kharagpur,
Midnapore (West) – 721 301.

II. Durga Prasad Chakraborty,
Son of Sukumar Chakraborti,
Aged about 52 years,
Unemployed,
Nos. I and II are both residing at Gaikata,
Jhapetapur, Kharagpur,
Midnapore (West) – 721 301.

.. Applicant**VERSUS-**

- I. Union of India,
Service through the Secretary,
Department of Pension and Pensioner's Welfare,
3rd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi – 110 003.
- II. The Director,
Department of Pension and Pensioner's Welfare,
Government of India,
3rd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi – 110 003.
- III. The Senior Divisional Security Commissioner,
RPF, South Eastern Railway, Kharagpur,
Post Office and Police Station : Kharagpur,
Midnapore (West) – 721 301.
- IV. Chief Medical Superintendent,
South Eastern Railway, Kharagpur,



**Post Office and Police Station : Kharagpur,
Midnapore (West) – 721 301.**

- V. The Superintendent,
Kharagpur Sub-Divisional Hospital,
Post Office and Police Station : Kharagpur,
Midnapore (West) – 721**
- VI. IG cum Chief Security Commissioner,
RPF, South Eastern Railway,
Garden Reach,
Kolkata – 700 043.**

.. Respondents

For the Applicants : Mr. T.K. Biswas, Counsel

For the Respondents : Ms. S. Chaudhury, Counsel

O.R.D.E.R. (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Ld. Counsel for the applicant and respondents are present.

2. The instant Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"(a) An order directing the respondents to set aside the order dated 16.4.2013 (Annexure A-2) and order dated 4.9.2014 (Annexure A-5).

(b) To rescind, recall and set aside the decision refusing to include the name of your petitioner No. 2, 65% permanent medically disabled child of your applicant No. 1, in PPO of your applicant No. 1, by giving advance approval for grant of family pension for life to your applicant No. 2, after the death of the wife of your applicant No. 1.

(c) To include immediately the name of your applicant No. 2, 65% permanent medically disabled child of your applicant No. 1, in PPO of your applicant No. 1, by giving advance approval for grant of family pension for life to your applicant No. 2 after the death of the wife of applicant No. 1.

(d) An order awarding costs of this proceeding to your applicants to be paid by the respondents and any other orders as to this Hon'ble Tribunal may deem fit and proper.

(e) Leave may be granted to file this application jointly under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987."

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3. M.A. bearing No. 484 of 2018 arising from O.A. No. 968 of 2018 praying for joint prosecution is permitted under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987.

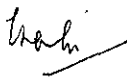
Ld. Counsel for the applicant submits that, in response to his earlier representations, the respondent authorities have issued a communication dated 14.9.2017 whereby the respondents have stated that his son's case could not be considered for grant of family pension in view of the satisfactory bi-pedal gait of the applicant's son.

The applicant further submits that a communication from the Ld. Advocate has been issued (*Annexure A-8 to the O.A.*) thereafter whereby the respondents were requested to re-consider their decision and to modify their earlier decision regarding the prayer of the applicant.

Ld. Counsel for the applicant further submits that the applicant will be satisfied if liberty is granted to him to prefer a comprehensive representation to the competent respondent authority, who is respondent No. 3, namely, the Sr. Divisional Security Commissioner, RPF, S.E. Railway, Kharagpur, in which he would like to bring forth the concerned rules and provisions vide which he seeks modification/reconsideration of the respondents' communication dated 14.9.2017 and that the concerned respondent authority may be directed to dispose of the same within a specific time frame.

4. Ld. Counsel for the respondents, draws our attention to the fact that on earlier occasions, Medical Board set up by the respondent authorities have not found the applicant eligible to be included for family pension of the superannuated employee.

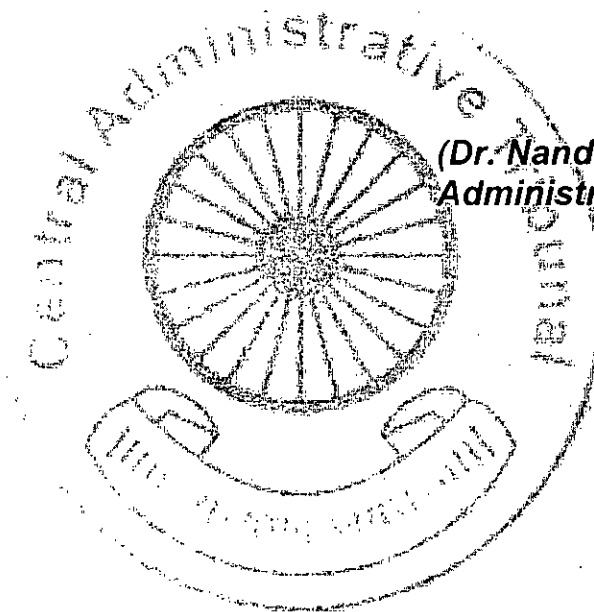
5. Accordingly, with the consent of the parties and without entering into the merits of the matter, the applicant is given liberty to prefer his comprehensive representation within 4 weeks of the date of passing of this order with all



supporting documents, rules and provisions which he desires to cite in his support. The competent respondent authority No. 3, that is, the Sr. Divisional Security Commissioner, RPF, S.E. Railway, Kharagpur, will examine the contents of the comprehensive representation, if received at his end, within a period of eight weeks from the date of receipt of such representation and, after having decided on the same in accordance with law, will communicate his decision forthwith to the applicant.

6. With these directions, the O.A. and M.A. are both disposed of. There will be no orders on costs.

SP



(Dr. Nandita Chatterjee)
Administrative Member