

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Original Application No: 350/01958/2018

An application under section 19 of the Administrative Tribunal  
Act 1985;

Smt. Deepali Saha (Das) wife Late  
Pranab Kumar Das residing at  
Village - Habipur, Bhangi Pukur  
Chowk, Amrit Bhawan, Post Office  
-- Medinipore, District - Paschim  
Medinipore, West Bengal. 72101

.. Applicant.

- Versus -

1. Union of India service through  
the General Manager, East Central  
Railway, Dhanbad, Bihar. Pin  
Code 826102

2. Divisional Railway Manager,  
East Central Railway, Dhanbad,  
Bihar. Pin Code - 826012

3. The Senior Divisional  
Personnel Officer. East Central

2  
Railway, Dhanbad, Bihar Pin

Code - 826012

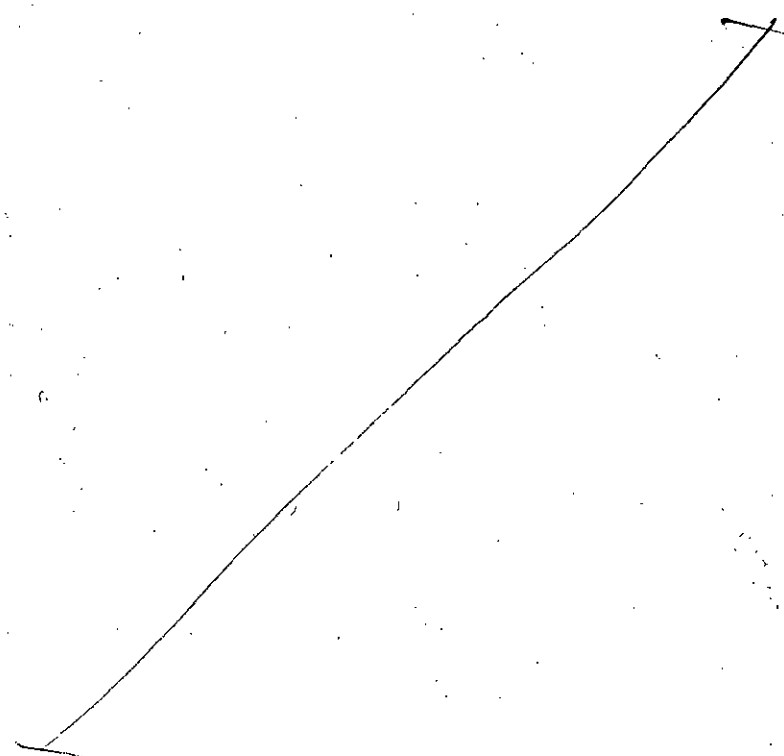
4. Senior Divisional Finance  
Manager, East Central Railway,  
Dhanbad, Bihar. Pin Code 826012

5. The Senior Section Engineer  
I/C (C&W), East Central Railway,  
Barkakana, Dhanbad, Bihar. Pin  
Code - 826012

6. The Branch Manager, State  
Bank of India, Rajabazar Branch,  
District - Paschim Medinipore.  
Pin Code - 826012

... Respondents.

✓



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1958/2018

Date of Order: 14.03.2019

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

*Deepali Saha Das -vs- East Central Railway*

For the Applicant(s): Mr. A.P. Deb, Counsel

For the Respondent(s): Mr. A.K. Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.P. Deb, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Mr. A.K. Banerjee, who usually appears for the East Central Railways, is present in the Court, on my request, Mr. Deb has served copy of the O.A., along with annexures, on him as I do not want the Official Respondent to go unrepresented. Heard Mr. A.K. Banerjee, in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) To direct the Respondent to pass necessary order/PPO pertaining to issue of family pension to the applicant without any further delay.

b) To pass direction upon the Respondent No. 6 to accept the Affidavit affirmed before the Learned 1<sup>st</sup> Class Magistrate, Paschim Medinipore dated 29.01.2018 as a solemn declaration Dipa Das and Dipali Saha Das as one and same person and not to act upon it accordingly and to release the accrued arrears of family pension with interest to the applicant.

c) to quash the order dated 09.05.2018 issued by the Railway Authority.

d) Costs or incidental to and arising out of this application.

e) Any other order or orders as your Lordships may deem fit and proper by way of molding reliefs."

*Adl*

4. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant is the widow of Late Pranab Kumar Das, ex-employee under the East Central Railway. In the PPO issued to the applicant, her name was reflected as Deepa Das instead of Deepali Das and, as a consequent, an Affidavit was duly sworn in before the Learned 1<sup>st</sup> Class Magistrate, Paschim Medinipore dated 29.01.2018. But the State Bank of India, Medinipore Branch declined to rely upon the said Affidavit and legal heirs certificate and thereby refused to disburse the family pension. Being aggrieved, she submitted a representation before the Sr. DPO, East Central Railway, Dhanbad and she received a letter dated 08.05.2018, which was hand written in Hindi and was totally illegible and that too without official stamp. The applicant again made a representation to the Divisional Railway Manager, East Central Railway, Dhanbad (Respondent No. 2) vide Annexure-A/6 (undated) stating her facts and further requested to send reply to her in English but again she received a hand written reply in Hindi with which the applicant failed to make out anything. He further submitted that the applicant's grievance may be redressed if a direction is issued to Respondent No. 2 to consider her representation as at Annexure-A/6.

5. Since the specific prayer of the Ld. Counsel for the applicant, at this stage of hearing for admission, is for consideration of his representation, having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant under Annexure-A/6, if the same has been filed and is still pending consideration, as per rules and regulations in force and communicate the result thereof to the applicant in a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. It is made clear that if after such consideration the grievance of the applicant is found to be genuine and she is

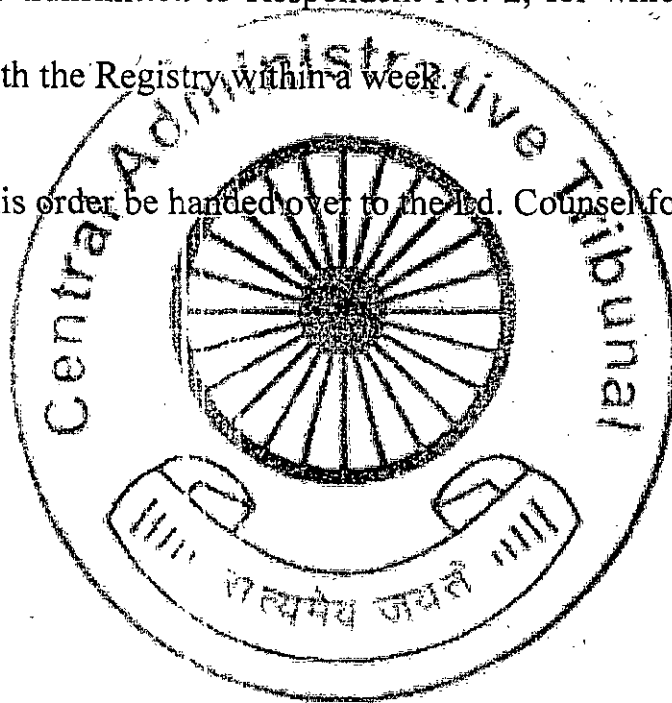
Al

otherwise eligible and entitled then expeditious steps be taken within a further period of six weeks to grant her the family pension. I also make it clear that if in the meantime the said representation has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.



(A.K. Patnaik)  
Member(J)

RK/PS