

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

Nizam Palace, Calcutta-700020

CALCUTTA BENCH

ORIGINAL APPLICATION NO. 350/1362 OF 2018:

In the matter of:

An application under Section 19 of  
the Central Administrative  
Tribunal Act, 1985;

And

In the matter of:

Sri Monusree Row, Daughter of  
Late K. Manik Row & Late Jyotsna  
Row(mother) c/o- Paresh Chandra  
Das, aged about \_\_\_\_\_ years by  
occupation unemployed lady  
/divorced daughter, residing at  
Loco Golghar Kali Mandir , P.O. &  
P.S Bardhaman, Dist- Purba  
Bardhaman, Pin-713101

.....Applicant

-Versus-

1. Union of India, through the  
General Manager, Eastern Railway,  
17, Netaji Subhas Road, Fairlie  
Place, Kolkata-700001.

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2. The Divisional Railway  
Manager, Eastern Railway,  
Howrah, P.O + P.S + Dist- Howrah,  
West Bengal, Pin-711102.

....Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1362/2018

Date of Order: 21.12.2018

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

*Monusree Row -vs- UOI & Ors.*

For the Applicant(s): Mr. D.Gupta, Counsel, on behalf of Mr. A.Sinha,

For the Respondent(s): Mr. B.K.Roy, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

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

"8.(a) The applicant is praying for direction upon the respondent authorities to give pension and other retirement benefits in accordance with law in favour of the applicant in view of the provision of law and to deal with and dispose of the application/ representation dated 11.08.2017 i.e. Annexure 'A-3' to this application which is pending before him forthwith in accordance with law.

(b) The applicant is further praying for direction upon the respondent authorities to transmit all the relevant records and documents of the case so that conscionable Justice may be done to your applicant.

(c) And to pass such other or further appropriate order or orders, direction or directions as to this Hon'ble Tribunal may deem fit and proper for the ends of Justice."

3. The applicant's case in nutshell, as enumerated by the Ld. Counsel, is that the father of the applicant, namely K. Manik Row, was an employee of the Eastern Railway as Ex-Filta/CTFO/BWN. After the death of the father of the applicant on 21.09.1984, Smt. Jyotsna Row, wife of Late K. Manik Row was getting family pension. In the meantime, the applicant got married on 20.02.2004 with one Lal



Kanta according to the Hindu Marriage Act, 1955. It has been submitted that the applicant has a minor male child but due to torture of her father-in-law, she has been living separately since 15.06.2010 in her maternal house and the family was being maintained from the family pension received by her mother. Subsequent to the death of her mother on 15.08.2012, there is no source of income for the applicant. The applicant's husband filed Mat. Suit being Mat. Suit No. 48 of 2012 against the applicant before the Court of the District Sessions Judge for a decree of divorce by mutual consent and on 29.08.2012 decree of divorce order was passed by the District Judge. Thereafter, the applicant prayed for granting family pension for her livelihood as a divorced unemployed lady before the authority concerned but on 22.06.2017 order has been passed by the Divisional Railway Manager, Eastern Railway, Howrah rejecting the prayer of the applicant. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred representation on 11.08.2017 under Annexure A/3 before the Respondent No.2 but till date no reply has been communicated to the applicant. He further submitted that the grievance of the applicant may be redressed, if Respondent No. 2 is directed to consider her representation within a specific time frame.

4. 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/3, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicant's grievance is found to be genuine and she is otherwise entitled to family pension then necessary steps be taken within a further period of six weeks to grant her family pension and other retirement dues. I also make it clear that if in the

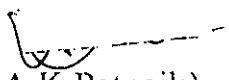


meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.

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

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

  
(A.K Patnaik)  
Member (J)

RK/PS