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ADMINISTRATIVE TRIBUNAL
IN THE CENTRAL ~~ADMINISTRATIVE~~

CALCUTTA BENCH

O.L. No. 350/01934 of 2018

Mursida Bibi Sardar

wife of Late Amir Ali Sardar,

(Ex. Carpenter) under Sr. D.O.M.

Eastern Railway, Sealdah, aged

about 49 years, Housewife, residing

at Vill. Kamalpur, P.O. Champahati,

P.S. Barulpur, Dist. South 24.

Parganas, Pin. 743330.

..... Applicant

Versus

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

2. Divisional Railway Manager,
Eastern Railway, Sealdah Division,
D.R.M. Building, Sealdah,
Kolkata- 700014.

3. F.A. & C.A.O., Eastern Railway,
Sealdah Division, Sealdah,
Kolkata- 700014.

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4. Senior Divisional Personnel
Officer, Eastern Railway, Sealdah
Division, Sealdah, Kolkata_700014.

.... Respondent

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

O.A/350/1934/2018

Date of Order: 05.03.2019

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

Mursida Bibi Sardar -vs- Eastern Railway

For the Applicant(s): Mr. T. K Biswas, Counsel

For the Respondent(s): Ms. C. Mukherjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. T.K.Biswas, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Ms. C.Mukherjee, Ld Counsel, who usually appears for the Eastern Railways, is present in the Court, on my request, Mr. Biswas has served copy of the O.A., along with annexures, on her as I do not want the Official Respondents to go unrepresented. Heard Ms. Mukherjee, in extenso.

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

" a) An order directing the respondents to disburse the pension in favour of the applicant because the respondents are completed the PPO of the applicant and all formalities also so that the pension cannot be withheld without any fault on her part;

b) An order directing the respondents to fix the responsibilities who are delayed the matter of the applicant and thereafter take appropriate action of the said employee;

c) And to pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper."

4. Ms. C.Mukherjee, Ld. Counsel appearing for the Eastern Railway, vehemently opposed the very maintainability of the O.A. by stating that this O.A.

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is liable to be dismissed being hit by Section 20 of the CAT Act as neither there is any impugned order nor the applicant has availed of the departmental remedy before approaching this Tribunal.

5. I am quite satisfied with the argument advanced by Ms. Mukherjee. However, Ld. Counsel for the applicant submitted that the applicant has already retired and no pension is being granted to him inspite of getting PPO and, therefore, the applicant has filed this O.A. He fairly submitted that the applicant may be granted liberty to make a comprehensive representation addressed to Respondent Nos. 3 and 4 within a period of one month from the date of receipt of copy of this order.

6. In view of the submissions made by the Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation to Respondent Nos. 3 and 4 within a period of one month from the date of receipt of copy of this order and in case any such representation, along with other related documents, is filed within a period of one month from the date of receipt of copy of this order then Respondent Nos. 3 and 4 will consider the same as per rules and regulations governing the field and communicate the result thereof by well reasoned order within a period of three months therefrom. Although, I have not expressed any opinion on the merit of the matter still then I make it clear that if after such consideration the grievance of applicant is found to be genuine and he is otherwise entitled then retiral benefits as admissible under rule may be disbursed to the applicant within a further period of six months from the date of such consideration.

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

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8. Copies of this order be handed over to the Ld. Counsel for the parties. Applicant is also granted liberty to annex copy of this order along with the representation to be preferred.

(A.K.Patnaik)
Member(J)

RK/PS

