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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**KOLKATA BENCH, KOLKATA**

**APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNALS ACT, 1985**

**Title of the Case :**

O.A. No.350/00106 of 2019

**PURNIMA SARKAR**, widow of Late  
Kamal Sarkar [Ex-JE (P. Way) at  
Kamarkundu, Howrah Division,  
Eastern Railway], aged about 44 years,  
presently working as Office Clerk, E8  
Section, DRM Office, Sealdah, residing  
at 1 No., Hariharpur, P.O. Hridaypur,  
District North 24-Parganas (West  
Bengal), Pin-700127.

**... APPLICANT**

**-Versus-**

1. **UNION OF INDIA**, service through  
The General Manager, Eastern  
Railway, 17, N.S. Road, Fairlie Place,  
Kolkata-700001.

*WQ*

**2. THE DIVISIONAL RAILWAY**

**MANAGER**, Eastern Railway, Howrah,  
DRM Building, Howrah, Pin-711101.

**3. SENIOR DIVISIONAL**

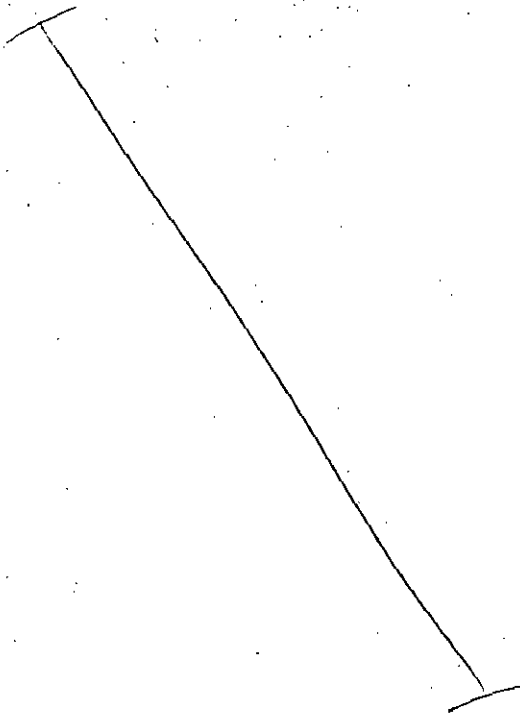
**PERSONNEL OFFICER**, Eastern  
Railway, Howrah Division, DRM  
Building, Howrah-711101.

**4. DIVISIONAL PERSONNEL**

**OFFICER**, Eastern Railway, Howrah  
Division, DRM Building, Howrah-  
711101.

... **RESPONDENTS**

*nd*



-3-

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/106/2019

Date of Order: 29.01.2019

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

Purnima Sarkar -vs- Eastern Railway

For the Applicant(s): Mr. B. Chatterjee, Counsel

For the Respondent(s): Mr. S.K. Das, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B.Chatterjee, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Mr. S.K.Das, Ld Counsel, who usually appears for the Eastern Railways, is present in the Court, on my request, Mr. Chatterjee has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. S.K.Das, 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 respondent authority to act in consonance with the R.B.E Circular Letter No. E(W) 2007/CP-1/37 dated 10<sup>th</sup> January, 2011 being R.B.E No. 04/2011 and R.B.E No. 146/2011.

b) An order directing the respondent authority to consider the representations of the applicant dated 05/06.12.2016, 08.06.2017 and 09<sup>th</sup> January, 2018 in accordance with Law with an Interest calculated on the total Ex-Gratia lump sum compensation amount from the date of entitlement of the applicant herein.

c) An order do issue directing the respondent authority to consider the plea of the applicant for allowance on Ex-Gratia lump sum compensation against the demise of Kamal Sarkar, the ex-employee on 04<sup>th</sup> January, 2013."

AQ

4. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant's husband, viz. Late Kamal Sarkar, while working as J.E (P.Way) at Kamarkundu, Howrah Division met with an accident on 04<sup>th</sup> January 2013 and expired. He further submitted that the applicant is entitled for the ex-gratia lump sum compensation payment as per the Railway Board Circular being R.BE No. 04/2011 and R.B.E No. 146/2011, which has not been paid to her. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred a representation on 09.01.2018 (Annexure-A/6) before Respondent No. 2 seeking Ex-gratia Lump Sum Compensation of her husband as per Railway Circular as annexed under Annexure-A/5 but no action has been taken by the Respondents till date. He further submitted that the applicant's grievance may be redressed if the said Respondent No.2 is directed to consider the representation taking into account Annexure-A/5 within a specific time frame.

5. Having heard Ld. Counsel for 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 dt. 09.01.2018 (Annexure-A/6), if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that while considering the representation, the said Respondent No.2 will also keep in mind the applicability of the Railway Circular under Annexure-A/5. I also make it clear that if after such consideration the grievance of applicant is found to be genuine and she is otherwise entitled then expeditious steps be taken to release the Exgratia Lump Sum Compensation within a further period of six weeks from the date of such consideration. I 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 a period of two weeks.

*Handwritten signature*

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 applicants, copy of this order, along with paperbook be transmitted to Respondent No. 2 and 3, 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

