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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. NO. 350/1826 OF 2016
MA NO. 350/00147/2019

Smt. Somaro Devi wife of Late
Domon Gowala, as housewife
aged about years residing at
Village Daludora, P.O.
Laxmibledero, P.S. Sahapur,
District Bhojpur, Bihar, Pin -
802112.

... Applicant

-Versus-

1. Union of India, service
through the General Manager,
Eastern Railway, Fairlie Place,
Kolkata - 700 001.

2. The Divisional Railway
Manager, Eastern Railway,
Howrah Division, Howrah - 1.

... Respondents.

AD

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1826/2016
M.A/350/147/2019

Date of Order: 14.03.2019

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

Somaro Devi -vs- Eastern Railway

For the Applicant(s): Ms. B. Bhattacharjee, Counsel
For the Respondent(s): Mr. A. K. Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. B.Bhattacharjee, Ld. Counsel for the applicant, and Mr. A.K.Banerjee, Ld. Counsel for the Official Respondents, in extenso.

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

- (i) An order directing the respondent to consider the case of the applicant for ex-gratia lump sum compensation forthwith along with interest as admissible under the rules without any delay tactics.
- ii) An order directing the respondent to deal with and disposed of the representations made by the applicant herein in terms of Railway Board's Circulars.
- iii) To direct the respondent authorities to produce all records of the case at the time of adjudication for consonable justice.
- iv) And to pass such further other order or orders as your Lordships may seem fit and proper."

3. Shorn of unnecessary details, the case of the applicant, as narrated by Ld. Counsel, is that the applicant is the widow of Late Domon Gowala, Ex-Keyman, who died on 15.09.2012 while on duty. The applicant made representations to the authorities for granting of lump sum compensation, in terms of the Railway Board's Circular, as she is eligible in all respect for payment of the ex-gratia lump

[Signature]

sum compensation of her late husband. Ld. Counsel for the applicant submitted that although ventilating her grievance the applicant has preferred representation under Annexure-A/2 before the Respondent Nos. 1 and 2 way back on 16.06.2016 but till date neither any response has been received by the applicant nor the Exgratia amount has been released. She further submitted that the applicant's grievance may be redressed if a direction is issued to Respondent No. 1 to consider her representation as at Annexure-A/2.

4. Since the specific prayer of the Ld. Counsel for the applicant, at this stage of hearing for admission, is for consideration of applicant's 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. 1 to consider the representation of the applicant under Annexure-A/2, 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 otherwise entitled then expeditious steps be taken within a further period of six weeks to release the Exgratia amount. 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.

5. With the aforesaid observation and direction, this O.A. stands disposed of. Consequently, M.A. No. 147/2019 is also disposed of. 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. 1, for which, she undertakes to deposit the cost with the Registry within a week.

Al

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



(A.K. Patnaik)
Member(J)

RK/PS

