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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.350/0 1962 of 2018

SRIMATI CHANDRA PAUL, daughter of Late Tarapada Paul and Late Iti Rani Paul, aged about 43 years, by occupation Unemployed, residing at Hari Sabha Road, New Milanpally, P.O. Siliguri Bazar, Ward No.25 of Siliguri Municipal Corporation, P.S. Siliguri, District : Darjeeling, Pin-734101.

...APPLICANT

-Versus-

1. **UNION OF INDIA**, service through The General Manager, North East Frontier Railway, Maligaon, Guwahati, Assam, Pin-780011.



2. THE CHIEF PERSONNEL

OFFICER, N.F. Railway, Maligaon,
Guwahati, Assam, Pin-780011.

3. THE CHIEF MECHANICAL

ENGINEER, N.F. Railway, Maligaon,
Guwahati, Assam, Pin-780011.

4. THE SENIOR DIVISIONAL

MECHANICAL ENGINEER, Diesel
Shed, N.F. Railway, Siliguri-734003.

5. THE DIVISIONAL RAILWAY

MANAGER, N.F. Railway, Katihar
Division, Katihar, Bihar-854105.

...RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1962/2018

Date of Order: 29.01.2019

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

Chandra Paul -vs- N. F. Rajlway

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

Mr. J. Dutta, Counsel

For the Respondent(s): Mr. B. P Manna, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B. Chatterjee, Ld. Counsel for the applicant, and Mr. B.P. Manna, Ld. Counsel appearing for Official Respondents, in extenso.

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

- a) An order do issue directing the respondents to consider the representation of the applicant dated 31st July, 2018 in appropriate background of unbiased application of justice and reason.
- b) An order do issue directing the respondents to disburse the Family Pension to the applicant in lieu of the applicant's deceased father Late Tarapada Paul, who was an employee of the respondent authority.
- c) An order directing the respondents to produce/cause production of all relevant records.
- d) Such other or further order or orders as Your Lordships may deem fit and proper."

3. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant is the sole surviving dependent daughter of ex-employee, Late Tarapada Paul, who died in harness on 18th May, 1997. After the death of the ex-employee, the applicant's mother was receiving the family pension. The applicant had married to one Sri Dipak Kumar Pal and due to marital disputes decided to abolish

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such matrimonial ties and the same was granted vide Decree of Divorce on 21st May, 2011. Thereafter, the applicant lived with her mother depending on the Family Pension and after the death of her mother on 23rd May, 2017 disbursement of Family Pension has been stopped by the respondent authorities. The applicant repeatedly visited the authorities and sought disbursement of the Family Pension by submitting all requisite statutory documents but the same is not being disbursed by the authorities. Ld. Counsel for the applicant submitted that although ventilating her grievance the applicant has preferred representations under Annexure-A/7 and A/8 before Respondents but till date no response has been received by the applicant. He further submitted that the applicant will be satisfied if a direction is issued to Respondent Nos. 4 and 5 to consider the said representations within a specific time frame.

4. On the other hand, Mr. B.P.Manna, Ld. Counsel for the Respondents, vehemently opposed the submission made by Mr. Chatterjee and contended that in the meantime the representation of the applicant has already been considered, to which Mr. B.Chatterjee, Ld. Counsel for the applicant, submitted that the applicant has not yet received copy of the said reply.

5. 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 Nos. 4 and 5 to consider the representations of the applicant under Annexure-A/7 and A/8, if the same are still pending consideration, as per rules and regulations in force and communicate the result thereof 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 he is otherwise 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

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meantime, as stated by Mr. B.P.Manna, the said representations have already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks. However, the applicant is granted liberty to file a fresh O.A. if the said response is not conducive to his expectation.

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 Nos. 4 and 5, 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

