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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

O.A. No. 350/325/2019

PARTICULARS OF THE APPLICANT:

ASHOKE KR. SENAPATI, son of Netai Senapati, aged about 35 years, residing at Village and post Office - Brindabanpur, District - Howrah, Pin 711316, West Bengal.

..... APPLICANT

V E R S U S

- (i) The Union of India, through General Manager, South Eastern Railway, Garden Reach Road, Kolkata 700 043.
- (ii) The Senior Divisional Personnel Officer, South Eastern Railway, Kharagpur, 721301
- (iii) The FA & CAO, South Eastern railway, Kharagpur, District - Paschim Medinipur, 721301

.... RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/325/2019

Date of Order: 13.03.2019

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

Ashoke Kr. Senapati -vs- S.E. Railway

For the Applicant(s): Mr. A. Chakraborty, Counsel
: Ms. P. Mondal, Counsel

For the Respondent(s): Mr. A. K Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant, and Mr. A.K.Banerjee, Ld. Counsel appearing 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:

“An order do issue directing the respondents to grant 50% share of the family pension in favour of the applicant who is completely disabled and cannot earn for his maintenance.”

3. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant is the son of the deceased Ex-Railway employee. The applicant is disabled and cannot earn for his maintenance. He submitted that as per Rules he is entitled for 50% share of family pension. Ld. Counsel for the applicant submitted that although ventilating his grievance the applicant has preferred representation under Annexure-A/3 before the Respondent Nos. 2 and 3 way back on 10.08.2015 but till date neither any response has been received by the applicant nor the family pension has been released. He further submitted that the applicant's grievance may be redressed if a direction is issued to Respondent Nos. 2 and 3 to consider his representation as at Annexure-A/3.

(A)

4. Mr. A.K.Banerjee, Ld. Counsel for the Official Respondents, vehemently opposed the maintainability of the O.A. on the grounds of facts as well as law.

5. Since the specific prayer of the Ld. Counsel for the applicant, at this stage of hearing for admission, is for consideration of his 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 Nos. 2 and 3 to consider the representation of the applicant under Annexure-A/3, 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 he is otherwise entitled then expeditious steps be taken within a further period of six weeks to grant him the family pension. It 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.

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. 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)