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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

O.A. No. - 350/1702/2018

PARTICULARS OF THE APPLICANT:

Bandana Ghosh, wife of late Sarbeshwar Ghosh, aged about 61 years, residing at Mahapatra Pukurpar, Station Road (Near Kali Mala), Post Office – Bishnupur, District – Bankura, Pin 722122

..... APPLICANT

V E R S U S

- I. Union of India, through the General Manager, South Eastern Railway, Garden Reach Road, Kolkata 700043.
- II. The Senior Divisional Personnel Officer, South Eastern Railway, Adra Division, Purulia. 723121

..... RESPONDENTS

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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A/350/1702/2018

Date of Order: 14.12.2018

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

Bandana Ghosh -vs- Union of India &Ors.

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

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. T.K.Biswas, Ld. Advocate, on behalf of Mr. A.Chakraborty, Ld.

Counsel for the applicant.

2. Mr. S.K.Das, Ld. Counsel, who usually appears for the S.E.Railways, is present in the Court and, on my request, Mr. Biswas 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. Das, *in extenso*.

3. 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 family pension in favour of the husband of Sarbeswar Ghosh ex-Gangman under PWI, Garbeta, Ada Division, South Eastern Railway.”

4. Brief facts of the case as enumerated by the Ld. Counsel for the applicant is that the applicant, Smt. Bandana Ghosh who was working as Waiting Room Bearer in Adra Division retired from service w.e.f. 31.07.2017. The husband of the applicant who was working as Gangman in South Eastern Railway died on 04.11.1981 while in service and the applicant got remarried to one Sri Vikash Ghosh on 10.12.1984. According to the applicant, Sri Vikash Ghosh had earlier married one Subarna Ghosh, who died on 05.11.1999. The marriage between

[Signature]

Vikash Ghosh and Bandana Ghosh, the present applicant, was registered on 07.02.1999 but as per marriage registration certificate, it is recorded that marriage was solemnized w.e.f 10.12.1984. According to the applicant, the marriage between her and Vikash Ghosh is not valid since the marriage took place during the existence of the first wife. It is submitted that the applicant is entitled to family pension as per rules, as her marriage to Sri Vikash Ghosh is void, and wants the family pension to be sanctioned with effect from the date of death of her husband Sri Sarbeshwar Ghosh. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred a representation on 05.03.2018 (Annexure-A/2), which has not yet been considered. He further submitted that grievance of the applicant may be redressed if Respondent No.2 is directed to consider the said representation within a specific time frame.

5. Since the case pertains to family pension and applicant is a senior citizen, 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 of the applicant, 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 if after such consideration the grievance of the applicant is found to be genuine then expeditious steps be taken to release the family pension, if she is otherwise entitled, 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 two weeks.

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

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7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, 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

