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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

O.A. NO. 350/193/2019

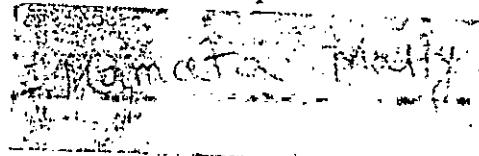
PARTICULARS OF THE APPLICANTS:

1. MAMATA MAITY, DAUGHTER OF LATE Byomkesh Maity, aged about 56 years, residing at Word no. 11, Chandipur, Malancha, P.O - Rakhajungle, Kharagpur, District - Paschim Medinipur, Pin 721301, West Bengal.
2. SRI KALOL MAITY, SON OF LATE Byomkesh Maity, aged about 54 years, residing at Word no. 11, Chandipur, Malancha, P.O - Rakhajungle, Kharagpur, District - Paschim Medinipur, Pin 721301, West Bengal.
3. SRI BASUDEV MAITY, son of late Byomkesh Maity, aged about 50 years, residing at Word no. 11, Chandipur, Malancha, P.O - Rakhajungle, Kharagpur, District - Paschim Medinipur, Pin 721301, West Bengal.

..... APPLICANTS

VERSUS

- i) Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata 700 043
- ii) The Workshop Personnel Officer, South Eastern Railway, Kharagpur, District - Paschim Medinipur 721301.



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iii) The Assistant Personnel Officer (W/S), South Eastern Railway,
Kharagpur, 721301

.....RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/193/2019
M.A/350/104/2019

Date of Order: 15.02.2019

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

Mamata Maity & Ors –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 applicants. Mr. Chakraborty submitted that he has already sent copy of the O.A. along with annexures, to the Respondents.

2. As no-one appears on behalf of the Respondents and Mr. A.K.Banerjee, who usually appears for the South Eastern Railways, is present in the Court, on my request, Mr. Chakraborty has served copy of the O.A., along with annexures, on him as I do not want the Official Respondent to go unrepresented. Heard Mr. A.K.Banerjee, in extenso.

3. M.A.No. 104/2019 filed for joint prosecution of this case is allowed and disposed of accordingly.

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

- “ a) An order do issue directing the respondents to release 1/3rd Share of PF of Smt. Puspa Rani Maity (Since deceased) in favour of the applicants since their mother died without receiving the 1/3rd Share PF.
- b) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rule 1987.”

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5. Briefly stated, the case of the applicants as submitted by Ld. Counsel is that the applicants are the siblings of Late Kalyan Sankar Maity, Ex-Technician Grade I, working under S.E Railway. The mother of the applicants, Puspa Rani Maity, who was alive at the time of death of Late Kalyan Sankar Maity, was informed by the respondent authorities that she had not submitted claim and that the portion of unmarried daughter of the deceased employee is only to be made by keeping the widow mother's share pending for payment on claim. The mother of the applicants made a request on 21.02.2016 to WPO for furnishing claim papers so that she can fill up the same in order to process her case for payment of 1/3rd share of PF but unfortunately she died on 15.06.2016. Ld. Counsel for the applicant submitted that as per the PPO of Puspa Rani Maity, the names of the applicants are recorded as sons and daughter respectively. He further submitted that although applicants have ventilated their grievance for grant of 1/3rd PF Balance in their favour vide representation dated 27.08.2018 (Annexure-A/6) before Respondent No.2 but no reply has been communicated to him till date. Ld. Counsel for the applicants, however, submitted that the applicants' grievance may be redressed if a direction is issued to Respondent No. 2 to consider the representation of the applicants as at Annexure-A/6 within a specific time-frame.

6. 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. 2 to consider the representation of the applicants under 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. It is made clear that if after such consideration the grievance of the applicants is found to be genuine and they are otherwise eligible then expeditious steps be taken to give them the share of the PF, as claimed by them, within a



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further period of six weeks. 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 applicants within a period of two weeks.

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

8. As prayed for by the Ld. Counsel for the applicants, copy of this order, along with paperbook be transmitted to Respondent No. 2, by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K.Patnaik)
Member(J)

RK/PS

