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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA No. 350/01243/2015
MA No. 350/00351/2015

Date of Order: 01.09.2015

Present:

**THE HON'BLE MR. JUSTICE G. RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER**
.....

Mrs. Halima Bewa widow of Badrul since deceased aged about 72 years, Village Faridpur, Po. Goalkhore, PS. Barherwa, District Sahabganj, Jharkhand, Pin-816101, Housewife.

.....Applicant.

For the Applicant: Mr. A. K. Bairagi, Counsel

-Versus-

1. The Union of India service through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Fairly Place, Kolkata-700001.
2. The Divisional Railway Manager, Malda Division, Eastern Railway Jhaljhalia, Malda Town, Malda-732102.

.....Respondents

For the Respondents : Ms. S. D. Chandra, Counsel.

ORDER

JUSTICE G. RAJASURIA, JM:

Heard both.

2. This OA has been filed seeking the following reliefs:

"i. Order do issue directing upon the respondents to disburse the Ex gratia lump sum compensation of her husband

h. 17/9

Late Badrul, since deceased in favour of the applicant within forthwith;

ii. Order to issue directing upon the respondents to transmit and submits before the Hon'ble Tribunal all the records and paper in connection with the instant applicant.

iii. Order do issue directing upon the respondents to allow interest @ 18% for delayed payment of compensation.

iv. Any other relief or reliefs as may be admissible on the basis of the adjudication of the matter.

v. Cost of the proceedings."

3. An MA has also been filed for condoning the delay in filing this OA. Upon hearing the parties, we condoned the delay.

4. The Learned Counsel for the Applicant would echo the cri de Coeur of his client to the effect that his client's husband died in harness in a railway accident in the year 1999; whereupon an award under the workmen's Compensation Act was passed granting her Rs. 1,53,090/- vide award dated 08.11.2005. The Learned Counsel for the Applicant would submit that the applicant petitioned the respondent authorities for getting compensation for which there was no response at all. Ultimately, the applicant filed representation dated 10.5.2015 to the respondent authorities which evoked no response. Hence this OA.

5. The Learned Counsel for the Respondents would submit that since the applicant already got compensation under the Workmen's Compensation Act, she is not entitled to any other benefits. The Learned Counsel for the Applicant would counter such argument by drawing our attention to Annexures-A/5 and develop his argument that simply because the applicant got some amount towards compensation under the Workmen's Compensation Act that does not mean that she will not be entitled to ex gratia payment as provided under the Rules. Taking into consideration the



background of the matter, we are of the considered view that the respondent authorities are bound to consider the representations of the applicant as per Annexure-A/4 and A/5 and pass a reasoned order within a period of two months from the date of receipt of a copy of this order. *We have not gone into merits of the case.*

6. The OA as well as MA are accordingly disposed of. No costs.



(Jaya Das Gupta)
Admn. Member



(Justice G. Rajasuria)
Judicial Member