



CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH  
KOLKATA

O.A.No.350/00270/2015

Date of Order : 07-09-2015

Present : Hon'ble Mr Justice G. Rajasuria, Judicial Member  
Hon'ble Ms Jaya Das Gupta, Administrative Member

Shri Pradip Kumar Ghosh & Ors.

.....Applicants

-Versus-

Union of India & Ors. (N.F.Railway)

.....Respondents

For the applicants : Mr A. Chakraborty, Counsel  
For the respondents: Mr A.K. Banerjee, Counsel

**ORDER (ORAL)**

**JUSTICE G. RAJASURIA, JM,**

Heard Both. This O.A has been filed seeking the following reliefs :

- a) An order do issue directing the respondents to grant family pension in view of RBE 76/90 and to pay all the arrears and also in the light of the order passed by District Judge, Jalpaiguri in Misc. Judl. 4/2000 (Act).
- b) An order do issue directing the Respondents to pay the arrears with 18% interest.
- c) Leave may be granted to file this case jointly under Rule 4(5)(a) of 1987.

2. The gist and kernel of the germane facts absolutely necessary for disposal of this O.A would run thus :

One Charu Chandra Ghosh, an employee of the Railway retired from service on superannuation and he was getting pension. After his death his wife was getting family pension and she also died. It so happened that applicant No.1 Pradip Kumar Ghosh son of late Charu Chandra Ghosh filed Misc.Judl. 4/2000(Act.) before the Court of Sessions Judge, Jalpaiguri for

getting him appointed as a guardian of applicant No.2, Suparna Ghosh, the mentally challenged daughter of late Charu Chandra Ghosh. The learned Sessions Judge, Jalpaiguri passed the order dated 9/13.3.2001. The operative portion of the same is extracted for ready reference :

"The petitioner guardian is authorized to sign all the papers and take all steps for realization of the family pension relating to deceased Charu Chandra Ghosh on behalf of the lunatic.

The petitioner guardian shall render true and correct accounts of all receipt and expenditure of the lunatic for her beneficial interest to this court periodically that is after every six months.

The petitioner guardian shall have to furnish indemnity bond the amount of which shall be determined after receipt of the money.

Issue guardianship certificate accordingly.

The case is thus disposed of."

However, the grievance of the applicant is that despite this order the family pension was not released in favour of the mentally challenged daughter of the deceased. Hence this application.

3. Per contra, the learned counsel for the respondents would submit that the identity of the applicant No.2 has not been established as the daughter of the deceased Charu Chandra Ghosh because during his life time he did not declare applicant No.2 as his daughter in the service record. Even the certified copy of the Court order has not been annexed. Accordingly he prays for the dismissal of the O.A.

4. The point for consideration is as to whether identity of the applicant No.2 was not established and if so what should be the remedy in this case.

5. No doubt the learned Sessions Judge, Jalpaiguri passed the order on 9/13.3.2001 ex-parte appointing the applicant No.1 as the guardian of applicant No.2. Subsequently the Railways did not respond to that order.

They have their own doubt about the identity of applicant No.2. Learned

counsel for the applicant has also furnished to us a communication dated 06.05.2015 received from FA & CAO/Pension, N.F.Railway, Maligaon, virtually addressing to applicant No.2 with the following particulars :

As per extent provision of the Railway Board in the event of cessation of pension/family pension of the Pensioner/Family Pensioner, the original Disburser's Portion of the PPO along with Last Pay Certificate shall have to be returned to the office of the PPO Issuing Authority but after the death of Charu Chandra Ghosh & his beneficiary who had drawn pensionary benefits from Treasury Office/Jalpaiguri (as per record available to this office), the same has not been returned to this office. Since family pension has been granted by the Railway Board to the unmarried/widowed/divorced daughters beyond the age of 25 years as such as per instructions of the Railway Board, it has become necessary to surrender the original Disburser's Portion of the PPO along with Last Pay Certificate of pensioner/family pensioner hence you are requested to surrender the original Disburser's portion of the PPO No.Pen/Traffic/58 along with the Last Pay Payment Certificate of the aforesaid pensioner endorsing the following in terms of Railway Board's letter No.2007/AC-11/21/10 dated 16.03.09:

- (i) Basic Pension/Family Pension
- (ii) Dearness Pay
- (iii) Interim Relief
- (iv) Dearness Relief
- (v) Medical Allowance, if any,
- (vi) The date upto which last pension had been paid to the Pensioner/Family Pensioner."

Placing reliance on the said abstract the learned counsel for the applicant would submit that as of now virtually the Railway authority agreed to pay the family pension to the applicant No.2 and for that they wanted the PPO and the LPC of the pensioner/family pensioner who lastly got such pensionary benefits.

5. In view of the communication dated 06.05.2015 if the Railway authorities are having no more doubt in respect of the identity of the applicant No.2, it shall process the matter further on seeing the PPO and LPC, and if they still have any doubt about the identity of applicant No.2, the

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aforesaid procedure referred to by us may be resorted to. The above exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order and communicate the same to the applicant.

Accordingly matter is disposed of

( JAYA DAS GUPTA )  
ADMINISTRATIVE MEMBER

( G. RAJASURIA )  
JUDICIAL MEMBER

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