

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 1145 of 2016

Date of order: 12.3.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Smt. Maitreyee Sarkar,
Divorced daughter of Late Kanailal Sarkar,
Aged about 49 years,
Residing at Vill. Ramkrishna Colony,
P.O. Majhipara, P.S. Bizpur,
Dist. 24- Pgs. (N),
Pin – 743 145.

Applicant

VERSUS -

1. Union of India,
Service through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
2. The Chief Personnel Officer,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
3. The Financial Adviser & Chief Accounts Officer,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
4. The Divisional Railway Manager,
Sealdah Division,
Eastern Railway,
Sealdah,
Kolkata – 700 014.
5. The Senior Divisional Personnel Officer,
Sealdah Division,
Eastern Railway,
Sealdah,
Kolkata – 700 014.
6. The Chief Works Manager,
Kanchrapara Railway Workshop,

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Eastern Railway,
P.O. Kanchrapara,
Dist. 24 Pgs. (N),
Pin - 743 145.

7. The Workshop Personnel Officer,
Kanchrapara Railway Workshop,
Eastern Railway,
P.O. Kanchrapara,
Dist. 24 Pgs. (N),
Pin - 743 145.

8. The Deputy Chief Accounts Officer (W),
Kanchrapara Railway Workshop,
Eastern Railway,
P.O. Kanchrapara,
Dist. 24 Pgs. (N),
Pin - 743 145.

... Respondents

For the Applicant

Mr. K. Sarkar, Counsel
Mr. K.K. Ghosh, Counsel

For the Respondents

Mr. M.K. Das, Counsel
Ms. C. Mukherjee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:-

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 in the second stage litigation seeking the following relief:-

- i) To direct the respondents to cancel, withdraw and/or rescind the impugned speaking order dated 16.10.2015 as contained in Annexure "A-8" herein;
- ii) To direct the respondents to cancel, withdraw and / or rescind the purported memo dated 4.11.2014 & 3.12.2014 as contained in Annexure "A-4" herein;
- iii) To direct the respondents to continue with the disbursing of family pension to the applicant treating her as a dependent daughter from the date of discontinuation of the same and to pay the arrears thereof;
- iv) To direct the respondents to pay interest @ 12% p.a. on the arrears of family pension from the date of accrual till the date of actual payment;
- v) To direct the respondents to extend the benefit of the order dated 16.6.2016 passed in O.A. No. 350/01194/2015 (Ratna Sarkar vs. U.O.I. & ors.) by this Hon'ble Tribunal to the applicant as contained in Annexure "A-9" herein;
- vi) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;
- vii) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard both Id. Counsel, examined pleadings and documents on record.

3. The applicant is aggrieved as because family pension, as due to her, had been discontinued vide respondents' orders dated 4.11.2014 and 3.12.2014 and, that, upon her approaching the Tribunal earlier in O.A. No. 800 of 2015, the respondent authorities, in compliance to the directions of the Tribunal dated 2.7.2015, issued a speaking order, rejecting her claim.

Ld. Counsel for the applicant submits that the applicant may be granted liberty to prefer a comprehensive representation citing judicial pronouncements in her support and that the concerned respondent authority should be directed to dispose of the same in a time-bound manner.

4. Ld. Counsel for the respondents vociferously argues that the applicant had been directed, on many occasions, to submit certain documents, which are awaited from her end.

5. As no useful purpose would be served by allowing this matter to pend at this end, given the applicant's prayer for preferring a comprehensive representation with supportive documents, we hereby grant liberty to the applicant to prefer a comprehensive representation within three weeks of receipt of copy of this order, in which she must furnish such documents as had been called for by the respondent authorities, and upon receipt of such representation with requisite documents, the competent respondent authority will dispose of the same with a reasoned and speaking order and, in accordance with law, within a period of six weeks thereafter. The decision arrived at should be communicated forthwith to the applicant.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member