

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/01066/18

Date of Order: 02.01.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Abdul Rahman @ Tuntun, S/o – Late Jhakhruddin, resident of Sadhuwa, PO- Sadhuwa, PS – Rangra Chok, District- Bhagalpur, Bihar, PIN- 853204.

..... Applicant.

- By Advocate: - Mr. R.N. Tiwary

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hazipur, PIN- 844101.
2. The General Manager, East Central Railway, Hazipur, PIN- 844101.
3. The Divisional Railway Manager (DRM), East Central Railway, Sonpur, PIN- 841101.
4. The Divisional Railway Manager (Engineer), East Central Railway, Sonpur, PIN- 841101.
5. The Senior Divisional Personnel Officer (Sr. DPO), East Central Railway, Sonpur, PIN- 841101.
6. The Divisional Personnel Officer (DPO), East Central Railway, Sonpur, PIN- 841101.
7. The Senior Divisional Engineer (Sr. DEN), East Central Railway, Sonpur, PIN- 841101.
8. The Assistant Engineer (AEN), East Central Railway, Thana, Birpur.
9. The Assistant Personnel Officer (APO), East Central Railway, Sonpur PIN- 841101.
10. The Senior Section Engineer (Pathh/P.Way), Kurusela, East Central Railway, PIN- 854101.
11. The Section Engineer (Pathh/P.Way), Kurusela, East Central Railway, PIN- 854101.

..... Respondents.

By Advocate: - Mr. S.K. Ravi

O R D E R
[ORAL]

Per Dinesh Sharma, A.M.:-The applicant has alleged that his father died in an accident on railway track in the year 2000. However, neither the ex gratia payment/compassionate amount nor any other benefits have

been granted to him despite his pursuing this matter for the last so many years. The applicant has also submitted an order dated 15.01.2016 for issuing a Succession Certificate from the competent Civil Court, Bhagalpur.

2. On receipt of advance copy of this OA, the learned Standing Counsel for the Railways Mr. S.K. Ravi appears and orally argued that the Railways have not granted the ex-gratia payment or any other benefit to the applicant since they doubted his being the son of the deceased railway employee. In this oral submission, he mentioned that the wife of the deceased employee had mentioned her having only three daughters.

3. Since it is prima facie clear that a competent court has issued an order for issuing Succession Certificate in favour of the applicant where the sisters were also made parties, we consider it sufficient proof of his being eligible for making the claim before the Railway Department to get whatever benefits are to be granted to the successors of an employee who got killed in the track while performing his duties. It is a sad commentary on a Government Department that an ex-gratia sum which should normally be paid within few hours of such accident has not been paid for almost 18 years because of the doubts raised about the real successor to the deceased. We, therefore, direct the respondents to take immediate decision on the representation filed by the applicant before the Division Railway Manager(P), EC, Railway, Sonpur which was received on 07.09.2017 and grant him whatever benefits entitled to a successor to an employee who dies on a track during the course of duty. An order disposing of his representation shall be passed within a period of one

month from the date of receipt of this order. Accordingly, the OA is disposed of. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member