

**CENTRAL ADMINISTRATIVE TRIBUNAL
AMHEDABAD BENCH.**

**Original Application No. 78/2018 With M.A. No. 53/2018
Ahmedabad, the 23rd of July, 2019**

CORAM :

**Hon'ble Sh.Pradeep Kumar, Member (Administrative)
Hon'ble Sh. M.C.Verma, Member (Judicial)**

Pashiben Widow of Rameshbhai Savji, Solanki Niwas, Opp. Dairy, At O. Post,
Alarasa, Taluka Borsad, District Anand. ... Applicant

[By Advocate : Shri Sadik Ansari]

Versus

- 1- The General Manager, Western Railway, Churchgate, Bombay – 400 020.
- 2- The Divisional Manager, Western Railway, Divisional Railway Manager's Office, Pratapnagar, Vadodara – 390 004. ... Respondents

[By Advocate : Shri A.B.Makwana]

**O R D E R (Oral)
[Per M.C.Verma, Member(J)]**

1. This O.A. has been preferred by applicant Pashiben Rameshbhai Savji having prayer for direction to the respondents to settle the retiral dues of her deceased husband Rameshbhai Savji.
2. Applicant has pleaded in her OA that she is the wife of late Shri Rameshbhai Savji, that her husband was working with the Respondents Railway Department, as PP/Box-Boy-KWS and that vide Order dated 16/2/1996 a penalty of compulsorily removal from service, with immediate effect was awarded to him. That her husband did plead for releasing of his retiral dues but of no result. That her husband has died on 07/12/2006. That after death of her husband, she time and again made requests to the respondents for retiral benefits of her husband but no heed was paid to her request. That on 24.2.2008, she made a complaint and Labour

Enforcement Officer (Central) Baroda, with his communication dated 26/03/2008 and with request to do the needful within fifteen days, forwarded her said complaint to DRM (E) Western Railway, Baroda but no action was taken by respondents Authority and hence is this OA.

3. Respondents controverting the averments, as has been made in the OA that she represented her case, have filed their reply. They have pleaded that communication dated 26/03/2008 of Labour Enforcement Officer is not traceable in their office. That penalty upon husband of applicant was awarded on 16/2/1996 and the record being too old is also not available. That the concerned staff of respondent approached the applicant to provide the documents but she did provide only copy of NIP dated 16/2/1996. That disciplinary authority has not passed any sort of pensionary benefits and hence the question of grant of pensionary benefits does not arise. The respondents have therefore prayed that the O.A. be dismissed being devoid of merit.

4. Have heard Shri Sadik Ansari Advocate, who appeared for applicant and learned counsel Ms. A.B.Makwana ,who appeared for respondents. Learned counsel Shri Sadik Ansari urged that applicant several time had orally represented her case before the Respondents and that her representation dated 24/2/2008 was duly sent to DRM (E) Western Railway, Baroda by Labour Enforcement Officer, he referred Annexure A/2, which is the copy of communication dated 26/3/2008 whereby representation was forwarded to DRM (E) Western Railway, Baroda by Labour Enforcement Officer. Learned counsel urged to direct the respondent to release retiral benefits of husband of applicant. He also added that it is not disputed that the applicant is wife of late deceased employee of Respondents.

5. Learned counsel Ms. A.B.Makwana submits that applicant did not prefer any representation and case of the applicant is quite old one but in case applicant is directed to prefer representation to the Department, regarding her grievances, the department would consider and take necessary decision, as per rules, on her representation. Learned counsel Shri Sadik Ansari, at this stage submits that no representation, in writing, seeking redressal of grievance was

given by the applicant directly to respondent and that applicant at this juncture is also ready and willing to give representation , in writing for redressal of her grievances to the respondent and she will be satisfied if respondents be directed to take decision on her representation in a schedule time frame, to be directed by this Tribunal.

6. Considered the submission and perused the record. Having taken note of entirety, liberty is granted to the applicant to prefer representation to concerned Authority/respondent, in writing, within fifteen days, for redressal of her grievances and respondents are directed to take decision thereon, if preferred within stipulated time, within four months' from the date of receipt of said representation.

7. With aforesaid observation and direction the O.A. stands disposed of. Pending MA No.53/2018 also stands disposed of.

(M.C.Verma)
Member (J)

(Pradeep Kumar)
Member (A)

Nilesh

