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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00 661 of 2019

IN THE MATTER OF:

SMT. HASNA BANU, wife of Late Md. Jamaluddin aged about 48 years, residing at C/o. Md. Jargis Mondal, Village and Post Office- Joykrishnapur, Police Station- Rampurhat, District- Birbhum, Pin- 731224.

...APPLICANT

-VERSUS-

1. **UNION OF INDIA** service through the Secretary, General Manager, Eastern Railway, Fairlie Place, Kolkata- 700001.

2. **THE SENIOR DIVISIONAL PERSONNEL OFFICER**, Eastern Railway, Sealdah Division, Sealdah, Kolkata-700014;

3. **THE DIVISIONAL RAILWAY MANAGER**, Eastern Railway, Sealdah Division, Sealdah, 223, Kaiser Street, Raja Bazar, Kolkata-700009;

...Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/661/2019

Date of Order: 24.06.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Smt. Hasna Banu -VS- UOI

For the Applicant(s): Mr. P.C.Das & Ms. T.Maiti, Counsel

For the Respondent(s): Mr. P.Mukherjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicant, and Mr. P.Mukherjee, Ld. Counsel appearing for the Official Respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- (a) To quash and/or set aside the impugned speaking order dated 30.10.2014 issued by the respondent authority by not taking into consideration the order passed by the Hon'ble High Court at Calcutta as well as this Hon'ble Tribunal being Annexure A-8 of this original application.
- (b) To pass an appropriate order directing upon the respondent authority to make immediate payment of all settlement dues including pensionary benefit of Late Md. Jamaluddin, who was an employee of Sonarpur EM Carshed discharging his duties in the post of Electrical Fitter in the Eastern Railway, Sealdah Division in favour of the applicant with panel interest in the light of the order dated 06.07.1992 passed by the Hon'ble High Court at Calcutta in CO No 10975 (W) of 1992 and also in the light of the judgment and order dated 11.03.2019 passed by the Hon'ble Tribunal in CPC No. 350/00007/2014 within a very short period of time.
- (c) To pass an appropriate order directing upon the respondent authority to give the family pension as well as other pensionary benefit in favour of the applicant on the demise of her husband Late Md. Jamaluddin without any delay."

3. The sum and substance of the case of the applicant as submitted by Ld. Counsel is that the applicant's husband, who was working as Electrical Fitter in the Eastern Railway, died on 10.11.1988, while in service. Since the retiral benefits was not extended to her, she had moved Writ Petition CO No. 10975(W) of 1992 before the Hon'ble Calcutta Bench, which was disposed of on 06.07.1992

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(Annexure-A/5) with direction to Respondents to settle the dues and release the same as admissible within two months. A modification application filed in the said case was dismissed for non-prosecution. Subsequently, the applicant filed O.A.No. 1357/2010 before this Tribunal and, as per the liberty granted by this Tribunal, she made representation, which was rejected by the Respondents. Applicant preferred a Contempt Petition No. 07/2014, which was dropped vide order dated 11.03.2019 by observing that with the issue of the speaking order, the alleged contemnors have substantively complied with the orders of the Tribunal. However, liberty was granted to the petitioner to seek relief by establishing her case on the basis of a valid marriage with the ex-employee and to claim settlement dues on that basis. Ld. Counsel for the applicant submits that although, pursuant to the aforesaid order, applicant made a detailed representation on 25.03.2019 (Annexure-A/10) by enclosing a valid marriage certificate, till date no action has been taken on the same. He further submitted that grievance of the applicant may be redressed if Respondent Nos. 2 and 3 are directed to consider the said representation dated 25.03.2019 as per the order of Hon'ble High Court dated 06.07.1992 (Annexure-A/5).

4. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 2 and 3 to consider the representation of the applicant dated 25.03.2019 (Annexure-A/10), if the same has been filed and is pending for consideration, keeping in mind the order of the Hon'ble High Court dated 06.07.1992 (Annexure-A/5) and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the grievance of the applicant is found to be genuine and she is otherwise entitled then expeditious steps be taken within a further period of six weeks to extend her

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the benefit of settlement dues. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3 for which, he undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS