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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA No. 350/01312/2015

Date of Order: 10.09.2015

PRESENT:

THE HON'BLE MR. JUSTICE G. RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

.....

Smt. Jashinta Hembram, wife of Late Shiblal Murmu (Ex Trackman under SSE (PW)/SBG) residing at Khairbani, Post Office and Police Station Taljhari, Dist. Sahibganj, Jharkhand, Pin-816129.

.....Applicant

For the Applicant: Ms.K.Bhattacharyya, Counsel.

-Versus-

5. The Union of India service through the General Manager, Eastern Railway, 17, Netaji Subash Road, Kolkata - 700 001 and also having its office at 3, Koyala Ghat Street, Kolkata-700 001.
6. The Divisional Railway Manager, Eastern Railway, Malda Division, Post Office Jhaljhalia, District-Malda, Pin-732102.
7. Senior Divisional Personnel Officer, Eastern Railway, Post Office Jhaljhalia, District Malda, Pin-732102.
8. Assistant Engineer, Eastern Railway Sahebganj, Post Office Taljhari, District Sahebganj, Jharkhand, Pin-816121.

.....Respondents

For the Respondents : Mr.A.K.Banerjee, Counsel

ORDER

JUSTICE G.RAJASURIA, JM:

Heard both at this admission stage.

2. This OA has been filed seeking the following reliefs:

"(a) The Respondents be directed to release immediately the family pension and other retiral pecuniary benefits in favour of the applicant on the death of her husband an employee under the Respondents.



(b) Interest of present market rate for delay in disbursing the pecuniary benefits which accrued since the death of the husband of the applicant on 15.11.2013 till the date of actual release of those benefits;

(c) To issue mandate the respondents authorities to produce the entire records relating to this case before this Hon'ble Tribunal so that conscionable justice may be done.

(d) To pass such other order or further order or orders as to Your Lordships may deem fit and proper."

2. The Learned Counsel for the Respondents, at the outset itself, would raise an objection as to the jurisdiction of this CAT to entertain this case on the ground that the deceased employee, Chiblal Murmu, was working in Sahebganj which is within the territorial jurisdiction of CAT, Patna Bench and hence this Bench of CAT has no jurisdiction to entertain this OA. Whereas, the Learned Counsel for the applicant, appropriately and appreciably highlighted and spot lighted the fact that the said Sahebganj is within the Malda Division and the authority at Malda is competent to sanction family pension. Malda is admittedly within the West Bengal. Consequently, it is within the jurisdiction of the Calcutta Bench of the CAT. As such in view of the submission made by the Learned Counsel for the Applicant and in view of the provision of Rule 6 (a) of CAT (Procedure) Rules, we would hold that this the CAT, Patna Bench as well as Calcutta Bench are having concurrent jurisdiction over this matter.

3. The Learned Counsel for the Applicant would submit that the applicant is the legitimate widow of the deceased employee and she is entitled to family pension. However, the Learned Counsel for the Respondents would submit that absolutely there is nothing on record to show that she is the legitimate widow of the deceased and this is a case involving conflict factual situation as well as application of personal law.

4. Be that as it may, we are not deciding this matter on merits. But one fact is clear that the applicant filed the representation to the authority for getting family pension but reply was given yet. Hence in these circumstances, we would like to issue the following direction:



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The Respondent Nos. 2 and 3 shall consider the representation of the applicant and give her a suitable reply within a period of two months from the date of receipt of a copy of this order.

5. This OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice G.Rajasuria)
Judicial Member

knm