

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**



No.O.A.350/391/2019

Date of order : 10.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. N Neihial, Administrative Member

Bandana Ghosh,
Wife of late Sarbeshwar Ghosh,
Aged about 62 years,
Residing at Mahapatra Pukurpar,
Station Road (Near Kali Mala),
Post Office – Bishnupur,
District – Bankura, Pin 722122

..... Applicant.

- Versus -

- I. Union of India,
Through the General Manager,
South Eastern Railway,
Garden Reach Road,
Kolkata 700043.
- II. The Senior Divisional Personnel Officer,
South Eastern Railway,
Adra Division,
Purulia - 723121

..... Respondents.

For the applicant : Mr. A. Chakraborty, counsel

Ms. P. Mondal, counsel

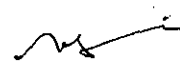
For the respondents : Mr. R.K. Shah, counsel

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

One Mr. Sarbeswar Ghosh was working as Gangman in the South Eastern Railway. He died on 1981. The applicant herein is his wife. By the time of Sarbeswar's death they had two daughters. The applicant was not only granted family pension but also was provided with compassionate appointment. However, she remarried one Mr. Bikash Ghosh in the year 1984. Immediately thereafter her family pension was stopped. Instead, it was paid to Jayanti Ghosh the elder daughter of Sarbeswar Ghosh and after her marriage, to the younger daughter, Astami Ghosh till her marriage in the year 1997.

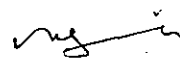
2. The applicant filed a representation for restoration of her family pension but that was not acceded to. She filed O.A.No.350/1702/2018 before this Tribunal and the said O.A. was disposed of, with a direction to the respondents to pass a reasoned order. Accordingly an order dated 29.01.2019 was passed informing the applicant that in view of the fact that her family pension was stopped on her remarriage, it was paid to her two daughters till their respective marriages and thereafter it was finally stopped. They stated that the question of restoring it to her does not arise. The same is challenged in this O.A.




3. We heard Mr. A. Chakraborty leading Ms. P. Mondal, Id. counsel for the applicants and Mr. R.K. Shah, Id. counsel for the respondents at the stage of admission.

4. The undisputed facts of the case are that soon after the death of Sarbeswar Ghosh, the respondents not only sanctioned family pension to the applicant but also provided compassionate appointment. The applicant herself brought about a situation, disentitling herself from being paid the family pension as she remarried one Mr. Bikash Ghosh in the year 1984. Immediately thereafter the family pension was stopped for her and it was sanctioned to elder daughter of Sarbeswar Ghosh till her marriage and thereafter to younger daughter Astami Ghosh till her marriage in 1997. The applicant also has retired from service and is getting independent pension. Despite these developments, she wanted the family pension referable to Mr. Sarbeswar Ghosh to be restored to her. It is totally impermissible in law. The claim of the applicant in this regard is without any basis. Therefore, we are not inclined to interfere with the order dated 29.01.2019.

5. Mr. A. Chakraborty, Id. counsel for the applicant submitted that in case the applicant is disentitled from getting the family pension referable to Sarbeswar Ghosh, she should be in a position to receive family pension on account of death of her second husband. However, that is not the subject matter of this O.A. If the applicant desires, she can pursue the remedies separately in accordance with law. That issue needs to be dealt with separately, if a claim is made.



6. The O.A. is accordingly disposed of, upholding the impugned order. There shall be no order as to costs.


Administrative Member
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(Justice L. Narasimha Reddy)
Chairman