



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

O.A.No. 532 of 2013

Date of Order: 21/06/2016

SMT. NAMITA SHARMA
V/S
S.E.RLY

Counsel for Applicant :Ms.T.Das, Advocate

Counsel for Respondents:Mr.B.P.Manna, Advocate

ORDER

JUSTICE V.C.GUPTA, JM:

Heard Ms. T.Das, the learned Counsel for the Applicant and Mr. B.P.Manna, the learned Counsel appearing for the Respondents and perused the records.

2. The Applicant claims to be the widow daughter of the Railway employee namely Bindeswari, who retired from service on 31.10.1984 and subsequently died on 28.10.2005 and has filed this Original Application praying for grant of family pension in her favour. The claim of the Applicant was declined on the ground that her name does not find place in the family declaration given by her father while in service. It is a fact that the applicant married during the life time of the deceased employee with one Shri Ashok Kumar Sharma who died on 16.12.2006.

3. After rejection of the claim of the applicant for grant of family pension, she made a representation on 13.09.2012 praying for inclusion of her name in the PPO as the dependent daughter of the deceased. Nothing has been placed on record that this representation has been submitted by her. The position is not doubted in view of the pleadings of the applicant that her name was scored out by the deceased after her marriage which is evident from para 4.12 of the OA.

4. In view of the above, we are of the view that if the applicant has submitted representation on 13.09.2012 and the same needs to be disposed of by the authorities concerned, if not decided so far the same may be decided in accordance with law.

Hence, without going into the merit of the matter at this stage, the following direction is issued.

On production of document of acknowledgement in support of submission of the representation dated 13.09.2012, along with copy of the representation dated 13.09.2012 and copy of this order before the authorities concerned, the authorities concerned are directed to consider and dispose of the representation of the Applicant within a period of two months from the date of production of the documents mentioned above and

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communicate the result thereof, in a well reasoned order to the Applicant within the aforesaid period.

It is further ordered that on consideration, if the name of the Applicant is included in the PPO, as the dependent family member of the deceased, then the Respondents to consider release of the family pension in her favour, as per Rules.

5. This OA is finally disposed of in terms of the above. There shall be no order as to costs.

(Ms.Jaya Das Gupta)
Administrative Member

(Justice V.C.Gupta)
Judicial Member