

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/00614/2014

Date of Order: 01.02.2016.

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jayati Chandra, Administrative Member

Smt. Gangia Harijan
Vs.
E. Rly.

For the Applicant : Mr. JR Das, Counsel

For the Respondents : Mr. BK Roy, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

Heard both.

2. The applicant in this OA has sought for ex-gratia lumpsum compensation in terms of RBE. 04/11, which is extracted hereunder:

"In partial modification of this office letter No. E(W) 99/CP-1/1 dated 09.02.2000, the clarification that "the compensation payable under Worksman's Compensation Act (WCA) should be reduced from the lumpsum amount payable as Ex-gratia compensation" is hereby withdrawn. However, the aggregate of the relief/Ex-gratia compensation paid from different sources of workman compensation viz. Compensation under WCA, compensation under Section 124 of the Railways Act, 1989 as applicable, etc is subject to the ceiling laid down in para-12 of Annexure to Department of Pension & Pension's Welfare's O.M. No. 45/55/97-P&PW(C) dated 11.09.98 circulated vide Board's letter No. EW/99 CP-1/1 dated 05.11.99 as amended vide letter No. E (W) 2008/CP-1/7 dated 30.09.2008 notifying revised rates of compensation w.e.f. 01.01.2006. These orders are effective from 01.08.1997.

2. Sanction is also communicated to revision of the ceiling on aggregate amount mentioned in Para-12 of Annexure to the DOP & PW's O.M. dated 11.09.98 ibid referred to above from Rs. 10 lakh to Rs. 20 lakh in each individual case w.e.f. 01.01.2006.

3. This issues with the concurrence of the Finance Directorate of the Ministry of Railways."

3. The learned counsel for applicant would submit that a representation preferred by the applicant seeking the said benefit, is yet to be disposed of by the authorities and he therefore would be satisfied if a direction is given to the respondents to consider the matter in terms of RBE. 04/11(supra) in a time bound manner. He would rely upon an order in an identical matter.

8

4. Learned counsel for the respondents would not object to such disposal of the matter. However, he would submit that there has been a delay in approaching the authorities for the benefit.

5. In such view of the matter, without going into the merits and keeping the limitation point open the OA would be disposed of with a direction upon the respondent no. 2 or any other competent authority to look into the grievance of the applicant and to pass an appropriate reasoned and speaking order within a period of 3 months from the date of communication of this order.

(Jayati Chandra)
Member (A)

(Bidisha Banerjee)
Member (J)

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