

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. O.A. 350/01924/2015

Date of order: 11.1.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SMT. ANARASI MAHATO

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Ms. T. Das, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

In this O.A. the applicant, the widow of one Ramprasad Mahato who died on 3.8.2000 while on duty, has claimed for Ex-gratia Lump sum compensation in the light of Railway Board's order No. RBE No. 04/2011 dated 10.1.2011 (Annexure A-4) which reads as under:-

" In partial modification of this office letter No. E(W) 99/CP-1/1 dated 9.2.2000, the clarification that the compensation payable under Workmen's Compensation Act (WCA) should be reduced from the lump-sum amount payable as Ex-gratia compensation is hereby withdrawn. However, the aggregate of the relief/Ex-gratia compensation paid from different sources of workmen compensation, viz., compensation under WCA, compensation under Section 124 of the Railway Act, 1989 as applicable, etc. is subject to the ceiling laid down in para-12 of Annexure to Department of Pension & Pensioners' Welfare O.M. No. 45/55/97-P&PW(C) dated 11.9.1998 circulated vide Board's letter No. E(W)99CP-1/1 dated 5.11.1999 as amended vide letter No. E(W)2008/CP-1/7 dated 30.9.2008 notifying revised rates of compensation w.e.f. 1.1.2006. These orders are effective from 1.8.1997.

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 11.9.1998 ibid referred to above from Rs. 10 lakh to Rs. 20 lakh in each individual case w.e.f. 1.1.2006.
3. This issued with the concurrence of the Finance Directorate of the Ministry of Railways."

2. Mr. M.K. Bandyopadhyay, Ld. Counsel appears for the respondents.

Since an innocuous prayer has been made for consideration of the representation of the applicant seeking lump sum compensation, we dispose of the O.A. with a direction upon the respondent No. 2 or any other competent authority to look into the grievance of the applicant and pass an appropriate and reasoned order within a period of two months from the date of receipt of a copy of this order. If nothing stands in the way of the respondents, let appropriate benefits be granted within a period of one month thereafter.

3. It is made clear that we have not gone into the merits of the case. All points are kept open for consideration by the concerned respondents.
4. The O.A. is, accordingly, disposed of. No costs.

(Jaya Das Gupta)  
MEMBER(A)

(Bidisha Banerjee)  
MEMBER(J)

SP