

26.11.2025
Item No.17
Ct. No.1
Saikat
Mukherjee

WP.CT/162/2025

**MALO DEVI
VS
THE UNION OF INDIA AND ORS.**

Mr. M.A. Sundar, Adv.
Mr. Sk. S.H. Molla, Adv.

...For the Petitioner

Mr. Sukumar Bhattacharyya, Adv.
Ms. Garima Rajjada, Adv.

...For the Respondent Nos.1-8

Per, Sujoy Paul, ACJ.:-

1. Parties are represented through their learned counsels.
2. With the consent, finally heard.
3. The challenge in this petition filed under Article 226/227 of the Constitution to the order of Central Administrative Tribunal, Kolkata Bench, dated 25th February, 2025, passed in O.A. No.350/474/2023 whereby Original Application filed by petitioner (applicant) seeking family pension and other dues was rejected on the ground of delay with a finding that the punishment of compulsory retirement imposed on deceased husband was never called in question.
4. Learned counsel for petitioner submits that petitioner's husband was inflicted with a punishment of compulsory retirement with effect from 10th August, 2005, by order dated 3rd August, 2025. The petitioner after preferring representations for redressal of her grievance,

approached the Central Administrative Tribunal. The learned tribunal came to hold that in absence of challenging the punishment order dated 3rd August, 2005, the punishment attained finality and application is filed after 12 years before the tribunal which is barred by time.

5. Learned counsel for petitioner further submits that pension and retiral dues provided recurring cause of action to the applicant and this aspect has not been considered by the learned tribunal. The department itself provided certain forms, etc. to the widow for the purpose of family pension but did not act on the said forms and did not grant retiral dues. The learned tribunal was obliged to decide the matter on merits and for this, the matter may be remitted back.
6. Learned counsel for the Railway administration submits that as per a master circular the widow is not entitled for retiral dues in the cases of compulsory retirement.
7. We have heard the parties at length.
8. A plain reading of order of learned tribunal shows that learned tribunal has not examined the claim of petitioner on merits. Learned tribunal has not given any finding whatsoever whether petitioner herein is entitled to get benefit of family pension and other retiral dues. Learned tribunal rejected the claim on the basis that the widow approached the court after 12 years from the date of punishment of compulsory retirement.

9. In the considered opinion of this court, learned tribunal was obliged to examine the entitlement of widow on the anvil of relevant enabling provisions. The learned tribunal before recording a finding that matter was barred by time, was required to examine as to whether claim of compensation and retiral dues fall within the ambit of 'recurring cause of action' or not. Without examining the matter from these angles, the order of learned tribunal became vulnerable.
10. Resultantly, impugned order of learned tribunal dated 25th February, 2025, is set aside. O.A. is restored to its original number.
11. It is expected that learned tribunal will rehear the parties on the touchstone of aforesaid aspects and will decide the matter in accordance with law. Since O.A. is filed by a widow, learned tribunal is requested to decide the matter on merits at the earliest but preferably within three months.
12. With aforesaid and without expressing any opinion on merits, the petition is disposed of.
13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)