

Eastern Railway

NO: E.308/Court Cell/RB/Policy/Pt.III

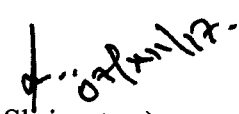
Kolkata, dated, 07.12.2017

ALL CONCERNED

Sub: Clarification of DOP&PW on Pension Matters- Court Cases.

The following copy of Railway Board's letter No. E(G)/2015/PN1/5 dated 21.11.2017 (RBE No. 167/2017) is appended for information, guidance and necessary action.

DA: As above.


(A.K. Shrivastwa)

Law Officer/Pers/HQ

For Principal Chief Personnel Officer

Copy of Railway Board's letter No. E(G)/2015/PN1/5 dated 21.11.2017 (RBE No. 167/2017) addressed to General Manager, All Indian Railways & others.

Sub: Clarification of DOP&PW on Pension Matters- Court Cases.

The Joint Secretary, Department of Pension & Pensioners Welfare in D.O. letter No.1/8/2015-P& PW(E) dated 03.10.2017 have advised the following to be added as the last Para in the reply in all Court cases wherever the reply has been vetted by Department of Pension & Pensioners Welfare:

“This reply has been filed on behalf of all respondents including Department of Pension & Pensioners Welfare. The statements/submission on the policy of Government on grant of family pension have been vetted and concurred in by the Department of Pension & PW.”

Also, the concerned counsels may be instructed to take necessary steps to submit the orders of the Ernakulam Benches of the CAT in the OA's No. 180/01041, 01047, 01106/2014, , 180/01132, 00013 and 00332/2015 dated 12.07.2016 as well as High Court of Kerala's Order dated 29.07.2016 in OP(CAT) No. 206/2016 in which the Court has upheld the Order dated 12.07.2016 of Ernakulam Bench to the Benches of CAT and High Court by filing rejoinders in all similar OAs and petitions being heard by them.

Necessary action may be taken as directed therein under intimation to this office.

DA: As above.

This pertains to the proceedings in Original Application No. 291/00069/2015, filed by Smt. Hemlata Sharma in Jaipur Bench of CAT.

2. In the above OA, we had vetted the draft counter reply forwarded by Ministry of Railways as per the policy and practice in the Government and requested the Ministry, vide OM of even number, dated 17.02.2015 (copy enclosed), to watch the interest of this department while filing a unified reply. It had been indicated in the draft counter reply that it was on behalf of respondents indicated in the O.A.
3. However, the Bench, vide Order, dated 26.09.2017, has imposed a cost of Rs. 2000 on this department for non-filing of reply in the aforesaid OA. The Bench had not been adequately apprised of the policy and practice of the Government that this department was not supposed to file a separate reply.
4. Further, vide common order, dated 12th July, 2016 in the O.As No. 180/01041, 01047, 01106/2014, 180/01132, 00013 and 00332/2015, the Ernakulam Bench of CAT has upheld the application of the instructions of the Government and has dismissed all these OAs and a Division Bench of the Hon'ble High Court of Kerala at Ernakulum, vide final order, dated 29.07.2016, in OP (CAT) No. 206/2016 has upheld the order, dated 12.07.2016, of Ernakulam Bench of CAT, *ibid*.
5. I shall be grateful if you could get all the concerned Counsels instructed to take necessary steps to submit the above order of the Ernakulum Benches of the CAT as well as High Court of Kerala to the Benches of the CAT and the High Courts by filing rejoinders in all similar OAs and petitions being heard by them. The Benches may also be informed that the counter replies had been vetted in this department and as such contained the views of this department as well.
6. I shall be obliged if you could issue instructions to all Railways to add the following as the last para in the reply in all cases wherever the reply has been vetted by our department:-

"This reply has been filed on behalf of all respondents including Department of Pension and Pensioners' Welfare. The statements/submissions on the policy of Government on grant of family pension have been vetted and concurred in by the Department of Pension & PW."

SD/-

Sanjiv Narain Mathur