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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.826/2002

Wednesday, this the 27th day of November, 2002

Hon'ble Shri Shanker Raju, Member (J)

Smt. Mana Devi widow of Late Shri Bhoor Singh Ex.
Mate No.13 at PWI Jetsar N.Rly. r/o
c/o Madan Singh 210-B, Jawahr Park (West),
Laxmi Nagar, Delhi-92

...Applicant

(By Advocate: None for applicant)

Versus

1. The Union of India through
the Chairman, Railway Board
the Principal Secretary to
the Govt. of India, Ministry
of Railways, Rail Bhawan, New Delhi-1
2. The General Manager
Northern Railway
Baroda House, New Delhi-1
3. The Divisional Railway Manager
Northern Railway, Bikaner (Raj.)

...Respondents

(By Advocate: Shri B.S.Jain)

O R D E R (ORAL)

I have heard Shri B.S.Jain, learned counsel for respondents. None has appeared on behalf of the applicant even on the second call. As the matter pertains to ~~pension~~ that too of an employee, who died in 1973, I proceed to dispose of the present OA in terms of Rule 15 of C.A.T. (Procedure) Rules, 1987.

2. I have seen the pleadings available on record. In pursuance of letter dated 28.11.1974 issued by the Railways seeking option for accord of family pension to those who retired after 1.1.1964 completing not less than one year's continuous service, the applicant exercised the option. On account of the fact that the amount already drawn under the CPF by the deceased has not been returned, her case could not be considered.

(2)

3. Shri B.S.Jain, learned counsel states that in accordance with the PS No.9632, they have accorded ex-gratia family pension to the applicant w.e.f. 1.1.1986 and this might have been revised w.e.f. 1.1.1996.

4. Having regard to the rival contentions, I am of the considered view that this ex-gratia pension is too meagre in comparison to the family pension to which the applicant is entitled to after exercising her option in 1974. The only impediment for working out the pension is that the applicant could not return the amount of Rs.3781/-.

5. Having regard to the exceptional and mitigating circumstances in this case, the interest of justice would be duly met if the present OA is disposed of by directing the applicant to refund the amount of Rs.3781/- within a period of four ~~weeks~~^(weeks) from the date of receipt of a copy of the present order. The respondents thereafter will consider her case in terms of option exercised by her in 1974 for accord of family pension and pass necessary orders within a period of two months thereafter.

6. O.A. is disposed of accordingly.

S. Raju
(Shanker Raju)
Member (J)

/sunil/