

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.2317/94

New Delhi this the 20th Day of February, 1996.

Hon'ble Sh. B.K. Singh, Member(A)

Smt. Shakuntla Devi,
S/o late Sh. Shyam Sunder,
R/o 4M/1, Double Storey,
Lajpat Nagar,
New Delhi.

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Applicant

(through Sh. B.S. Charya, advocate)

versus

1. The Director General of Works,
Central Public Works Department,
Nirman Bhawan, New Delhi.
2. The Executive Engineer (Air
Conditioning Division)-Division No.1,
Central Public Works Department,
Vidyut Bhawan, Shanker Market,
New Delhi.
3. Union of India,
Ministry of Urban Development,
Government of India,
Nirman Bhawan, New Delhi
(through its Secretary).

Respondents

(through Sh. B. Lall, advocate)

ORDER(ORAL)

The admitted facts of the case are that the husband of the applicant who was working as Khalasi with C.P.W.D. died on 7.8.70 and had put in 3 years & 9 months service at the time of his death. After the death of the husband the widow was given employment on compassionate ground and she is also serving with the respondents. The learned counsel for the applicant drew the attention of the Tribunal that the circular issued by Government of India stipulates that those government employees who died after medical examination prior to 1964 and had put in a year's service, their widow would be entitled for grant of family pension. This benefit was further extended and a Presidential order was issued which said that the people who had put



in a year's service prior to 1979 were entitled for this concession. The rule contained in O.M.No.1/23/86-P&PW dated 24.10.1986 was issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) stating therein that the President has decided that the benefits of the Family Pension Scheme 1964 be extended to the families of those government servants who died before the completion of one year of continuous service prior to 1979 but who had been examined by the appropriate medical authority and declared fit by that authority for government service prior to the appointment. Here there is a clear averment which has not been rebutted that the applicant had put in 3 years and 9 months service which implies that he was in regular appointment and, therefore, he is fully covered by this circular issued in the name of President of India. The learned counsel for the respondents pointed out that the husband of the applicant was governed by Contributory Provident Fund and she was entitled to ex-gratia payment. The C.P.F. amount which she had been paid, was refunded with interest. After the refund of this amount, she becomes entitled to receive the pension. It has been further stated by the learned counsel for the applicant that another lady similarly situated as the applicant is getting pension of Rs. 87/- p.m. and in proof of this the learned counsel also produced the relevant documents. The learned counsel for the respondents fairly concedes that if this be so, the case of the applicant will also be considered at par with that of Sita Devi W/o late Sh. Ram Pratap Singh.

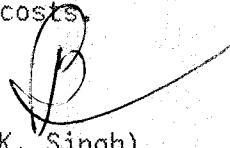
(B)

An order issued on 16.10.1991 by the authorities clearly indicates that they were appointed and given quasi permanent status by the Department. The name of the applicant figures at Serial No.11 and the name of Sita Devi W/o late Sh. Ram Pratap Singh figures at Serial No.12. This itself shows that they are similarly placed.

(12)

The O.A. is disposed of with the direction to the respondents to consider the case of Smt. Shakuntla Devi W/o late Sh. Shyam Sunder at par with the case of Smt. Sita Devi W/o late Sh. Ram Pratap Singh who has been given the family pension in addition to compassionate appointment. They are further directed to comply with this direction within a period of three months from the date of receipt of a certified copy of this order.

There will be no order as to costs.


(B.K. Singh)

Member(A)

/vv/