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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No. 2076/92 .. Date of decision: 13.07.93

Smt. Nikki Devi .. Applicant

Versus

Union of India .. Respondents

CORAM

Hon`ble Sh. J.P.Sharma, Member (J)

For the applicant .. Sh.B.K. Batra, Counsel

For the respondents .. Sh.K.K. Patel, Counsel.

JUDGEMENT(Oral)

(Delivered by Hon`ble Sh. J.P.Sharma, Member (J)

The applicant admittedly a widow of Sh. Bulaki Ram who was last posted as Shuntman at Sr. Station Supdt. (NR), Ambala Cantt. and retired from service on 5.3.68. He died sometimes in 1973. The applicant as a widow requested the respondents for payment of family pension on which she was informed by the impugned memo dated 12.9.90 (Annexure A.1) that she cannot be granted ex-gratia payment of pension because her husband was a pension optee. Agrieved by this order, she has filed the present application in August, 1992 and praying that the respondents be directed to release the amount of family pension to which the applicant is entitled alongwith arrears thereof from the death of her husband i.e. 26.10.73 along with interest.

A notice was issued to the respondents. In the reply filed by them, it is admitted that the husband of the

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applicant died after retirement from Railways as shuntman. However, it is stated that late Sh. Bulaki Ram was paid Rs. 1403/- on account of Provident Fund own contribution and Rs. 1919/- on account of provident fund Government contribution. He further stated that the deceased employee was a SRPF optee. In view of this, the applicant is entitled to exgratia pension and the same has been sanctioned to her.

I heard the learned counsel for the parties. During the course of argument, the learned counsel for the applicant stated that the applicant is beyond 80 years age and she should be allowed to draw ex-gratia pension w.e.f. 1.1.86 reserving the right to agitate the matter for family pension subsequently. The learned counsel for the respondents has been put a querry as to how in this circumstance both family pension and ex-gratia pension can be allowed. The learned counsel for the applicant gave a statement at the Bar that he does not press for the grant of family pension and pressing the claim only for the grant of ex-gratia pension. In view of the oral statement of the counsel for the applicant and taking into account the advance age of the widow of the deceased employee, the relief claimed in this application stands modified to the relief of grant of ex-gratia pension.

The learned counsel for the respondents stated that a direction be issued to the respondents to issue PPO within a period of one month to the applicant and make the payment thereof.

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In view of the above facts and circumstances of the case, the respondents are directed to release the sanctioned amount of ex-gratia payment w.e.f. 1.1.86 alongwith PPO if any, within a period of one month from the date of receipt of this order. The learned counsel for the applicant also requested that the respondents to do the same expeditiously keeping the age of the applicant. The applicant is also entitled to interest on that amount at the rate of 10% p.a. till the date of payment.

There will be no order as to costs.

(Signature)

(J.P. Sharma)

12-7-92

Member (J)