

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1750 of 1993

Allahabad, this the 20th day of April, 2000.

CORAM: Hon'ble Mr. Rafiq Uddin, Member (J)

Hon'ble Mr. S. Biswas, Member (A)

G.S. Mishra,

S/o.late Prag Narayan Mishra,

R/o. 29, Old Mumfordganj,

Allahabad.

...Applicant

C/A Shri Suneet Kumar

Versus

1. Railway Board through
its Chairman, Railway Bhawan,
New Delhi.
2. Divisional Railway Manager,
Northern Railway, Allahabad.
3. Divisional Railway Manager,
(Pension Settlement Section),
Northern Railway, Allahabad.

...Respondents.

C/R Shri P. Mathur

O R D E R

(By Hon'ble Mr. Rafiq Uddin, Member (J))

The applicant retired as Head Signaller
Northern Railway, Allahabad on 31 August 1977. The
case of the applicant is that a some of Rs. 1090

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being the amount of pension of 2 and 1/2 months was deducted from his DCRG as a contribution towards the family pension. Since the wife of the applicant died on 06.09.1983, the applicant claims that he ~~is~~ ^{is} entitled for refund of the amount in question because his wife has pre-deceased him. The respondents have not refunded amount of deceased in spite of several representation having been made by the applicant hence he has filed the present O.A.

2. The respondents have denied the claim of the applicant on the ground that the provision of deduction of two months emoluments from DCRG of the retiring railway servant has been discontinued vide Railway Boards Letter dated 06.10.1977 which was effective from 22.09.1977. Since the applicant retired from service on 31.08.1977 he ~~has~~ ^{Ry} not entitled ~~to~~ ^{R for} refund ~~of~~ ^{of} the Family Pension Contribution.

3. We have heard Shri P. Mathur learned counsel for the respondent and perused the record.

4. It is evident from case of the applicant that he has sought refund of the contribution towards family pension on the ground that his wife died during his life time hence his contribution should be refunded as none is there to receive the family pension. It appears that the respondents on the other hand has relied on the Railway Board letter dated 06.10.1977 which provides discontinuance of deduction of two months emoluments from DCRG payable to reduction railway servant which was effective from 22.09.1977.

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And since the applicant has already retired on 31.08.1977, he cannot take the benefit of this letter. The applicant has however not claimed any benefit of the aforesaid letter he has merely seeking refund of his contribution since his wife had died. The claim of the applicant is appeared to be reasonable because nobody remains to receive the family pension since his wife has already expired. Therefore, in our considered opinion the applicant is entitled to receive the refund of his contribution towards family pension. It is also pertinent to mention that the Government has also decided to discontinue the deduction of two months emoluments from the DCRG w.e.f. 22.09.1977. Thus in view of fact and circumstances the case we allow this O.A. The O.A. is allowed. The respondents are directed to refund in sum of Rs. 1090/- to the applicant within three months from the date of communication of this order with interest at the rate of 10 per cent w.e.f. December 93.

S. B. W.
Member (A)

R. J. W.
Member (J)

/S.P./