

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
~~NEW DELHI~~

O.A. No. 656 OF 1987. ~~108~~  
~~XXXXXX~~

DATE OF DECISION 26-2-1991.

Smt. Chhenaben Hadia & Ors. Petitioner s.

Mr. B.B. Gogia, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents.

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yl*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

3

1. Smt.Chhenaben Hadia  
Aged 50 years Occ: Nil  
Widow of deceased Hadia Mala
2. Shri Ramsu Hadia,  
Adult, S/o deceased Hadia Mala
3. Shri Kalsi Hadia,  
Minor D/o deceased Hadia Mala
4. Narsi Hadia  
Minor, S/o deceased Hadia Mala

No.3 & 4 being minor, representing  
through applicant No.1 their  
natural guardian/mother.

All residing in Qr.No.E/B 114,  
Railway Colony,  
Near Wankaner Junction Rly.Station,  
Wankaner.

..... Applicants

(Advocate : Mr. B.B. Gogia)

Versus.

1. Union of India,  
Owning & Representing  
Western Railway, through  
General Manager, Western Railway,  
Churchgate, Bombay.
2. Executive Engineer (Construction),  
Western Railway,  
Jamnagar.

..... Respondents.

(Advocate: Mr. B.R. Kyada)

ORDER

O.A.No. 656 OF 1987

Date: 26-2-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

Heard Mr. B.B.Gogia, learned counsel for the  
applicants and Mr. B.R. Kyada, learned counsel for  
the respondents.

2. We notice that there is no averment that  
before approaching this Tribunal the applicants had  
given the Railway Administration intimation of death

M. M. L

of the deceased and made any application or approach to the Railway Administration to set up their claim as heirs of the deceased casual labourer Mr. Hadia Mala. This thus is seen to be a case of approaching this Tribunal for redressal of the grievance on account of nonreceipt of family pension and gratuity without first approaching the Railway Administration to seek sanction. Provisions of Section 20 of the Administrative Tribunals Act, 1985, are well designed statutory provisions one purpose of which is to keep litigation and consequential delay in redressal of grievances in check by providing that the remedies available under the relevant rules are first exhausted. Avoidable delay has been caused in the settlement of the claims by filing the application in this Tribunal instead of first approaching the Railway Administration.

3. Mr. B.R. Kyada makes the statement that the respondents have already decided to pay admissible gratuity. However, the respondent are of the view that family pension is not admissible to the applicant. Mr. B.B. Gogia for the applicants relies on judgment of the Calcutta Bench of this Tribunal in Joydeb Santra V/s. Union of India & Ors. ATR 1988(2) C.A.T. 483 for his submission that the deceased employee's case was such as would be covered for purpose of family pension by the ratio decided in this case for eligibility for pension and in that event applicant heirs of the deceased would become entitled to family pension.

M. H. L.


4. We feel that further delay should be avoided and the applicants should be advised to immediately make due representation for family pension to the concerned officer who should, seeing the fact that the deceased casual labourer had died on 29.3.1985 of cancer, to take a decision with utmost dispatch.


5. So far as the question of payment of gratuity is concerned, as the learned advocate for the respondents has stated before us that the administration has already decided to pay admissible gratuity, the applicants should submit required application to the concerned officer to do the needful in the matter.

6. Mr. Gogia for the applicants undertakes to arrange to give the required applications for claims of family pension and gratuity within a period of 15 days. The respondents should also make the services of Personnel Welfare Inspector of the concerned Railway Division available to the applicants to assist them in filling up the required application forms and complete other formalities required for the purpose.

7. The respondents are directed to take proper decisions on the above applications within three months of their receipt.

8. Application is finally disposed of as above. There is no order as to costs.

  
(R.C. Bhatt)  
Judicial Member

  
(M.M. Singh)  
Administrative Member.

C.A./40/91  
in  
O.A./656/87

6

Date	Office Report	O R D E R
25.2.1992	<p><i>Resp Submited</i></p> <p><i>Reply not</i></p> <p><i>filed</i></p> <p><i>Dehydration</i></p> <p><i>30.7.92</i></p>	<p>Heard Mr. B.B. Gogia, learned advocate for the applicant. He submits that the respondents have not paid admissible gratuity to the petitioner, though the applicant submitted required application to the concerned officer to do the needful in the matter. This is the only grievance of the petitioner. Issue preliminary notice to the respondents to file reply on affidavit as to whether the admissible gratuity which the respondents have decided to pay is till today paid to the applicant or not. Notice returnable within five weeks.</p> <p><i>Res</i></p> <p>( R C Bhatt ) Member (J)</p> <p><i>by</i></p> <p>( M. Y Priolkar ) Member (A)</p> <p>*Mogera</p>

Date

Office Report

O R D E R

B/ 7

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

C.A.No. 40/91 in  
O.A. No. 656/87  
~~P.A.No.~~

DATE OF DECISION 4.8.1992

Smt. Chhenaben Hadia & Ors. Petitioner

Mr. B.B. Gogia, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.N.V. Krishnan

: Vice Chairman

The Hon'ble Mr.R.C. Bhatt

: Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

8

Smt. Chhenaben Hadia  
& Ors.

... Applicants

Vs.

1. Union of India,  
Representing:  
Western Railway,  
Through;  
General Manager,  
Western Railway,  
Churchgate,  
Bombay- 400 020.
2. Executive Engineer (Construction)  
Western Railway,  
Jamnagar,  
(Now functioning from Executive  
Engineer (Const) Spl.)  
Western Railway, 2nd Floor,  
BG Station Building,  
Ahmedabad- 380 002.

... Respondents.

O R A L J U D G M E N T

Date: 4.8.92.

Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman

Present: Mr. B.B. Gogia, Adv./App.  
Mr. B.R. Kyada, Adv./Res.

1. Applicant seeks permission to withdraw the contempt application with permission to file a representation in case any benefits still remain *to be given*.
2. The order dated 25.2.1992 states that the only grievance of the applicant relates to payment of gratuity. It is ~~admissible~~ <sup>ted</sup> that this has been settled. However, applicant states that issue of the family pension is pending. This is contrary to the order dated 25.2.1992. *Yet*, in the interest of justice, we allow the prayer and permit applicant to withdraw the C.A. on the above terms.

*R.C. Bhatt*  
(R.C. Bhatt)  
Member (J)

*N.V. Krishnan*  
(N.V. Krishnan)  
Vice Chairman