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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 191 of 1993

Date of Decision: 16.1.1995

Gouri Devi

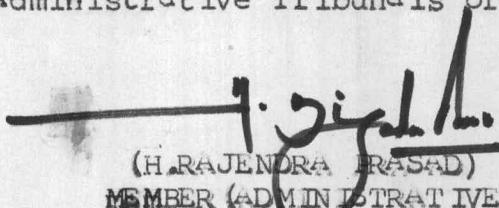
Applicant (s)

Versus

Union of India & Others Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

16 JAN 95

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH:

Original Application No. 191 of 1993

Cuttack this the 16th day of January, 1995

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

Gouri Devi @ Smt. Parbati Devi (@ Gouri)
aged about 59 years W/o. Late Dharma Behera,
a permanent resident of Nazarpur, PO/PS: Jagatpur
District: Cuttack .. Applicant

By the Advocate: Mr. S. B. Jena

Versus

1. Union of India, represented through its General Manager, South Eastern Railway, Garden Reach, Calcutta-43
2. The Divisional Railway Manager, South Eastern Railway, Khurda Road, At/POP Jatani, Khurda
3. The Divisional Personnel Officer, South Eastern Railway, Chakradharpur At/PO/Dist: Singhbhum (Bihar State)

Respondents

By the Advocate: Mr. Ashok Mohanty,
Standing Counsel (Rly)

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): The applicant, Smt. Gouri Devi alias Parbati Devi, is the widow of late Shri Dharma Behera, formerly S.P.A. Loco, L.S.G. in Chakradharpur Division of S.E.Railway. The said Dharma Behera passed away on 19.12.1962. By all accounts, the deceased had not opted to be covered under the Railway Pension Scheme introduced by the Railways in the year 1957 and, at the time of his demise, he was still governed by CPF Rules. The petitioner in this application seeks a direction for sanction of family pension and other retirement benefits which, according to her, were due to her late husband.

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2. During the hearing of the case it has been brought out clearly that the deceased employee had not opted for the Railway pension scheme, and as such, the question of payment of family pension would not arise. Shri J. Sengupta for Shri S.B. Jena, learned counsel for the petitioner, agrees with this position. Be that as it may, the applicant is entitled to certain amount(s) by way of exgratia admissible to the ~~CPF~~ retirees as per Establishment Sl. No. 170-88 issued by the S.E. Railway on 12.7.1988. The prayer of the applicant is now restricted to the payment of such exgratia as may be admissible under the rules. The respondents are stated to have no objection to processing her claim in this regard, provided she makes a proper application and fulfils the necessary formalities, which she has not so far done.

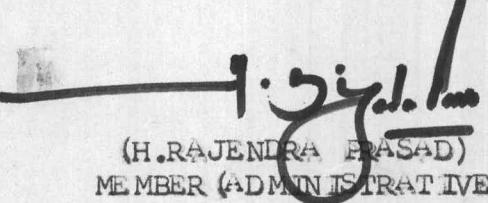
3. The applicant may, therefore, make a suitable representation to the Divisional Personnel Officer, S.E. Railway, Chakradharpur Division, within a month from to-day. The ^{shall} DRM thereafter have the case and her claim examined and processed with a view to sanctioning the admissible amount(s) within 45 days from the date of receipt of representation from the present applicant in this regard. Further more, while disposing the representation regarding suitable grant of exgratia, the respondents shall also examine if

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the applicant is entitled to any other monetary benefit, for example, the refund of contributions to the Provident Fund made by Shri Dharma Behera while he was in service.

Thus the application is disposed of.

No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

16 JAN 95

B.K.Sahoo//