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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 245 OF 1998
Cuttack this the 13th day of July, 1999

(PRONOUNCED IN THE OPEN COURT)

Gouri Devi @ Parbati Devi

Applicant(s)

-Versus-

Union of India & others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes .
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? NO .

2. 13.7.99
(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
13.7.99

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CENTRAL ADMINISTRATIVE TRIBUNAL,
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ORIGINAL APPLICATION NO.245 OF 1998
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CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

...

Gouri Devi @ Parbati Devi,
aged about 64 years,
W/o. Late Dharma Behera,
Permanent resident of Nazarpur
PO|PS: Jagatpur, Dist: Cuttack

...

Applicant

By the Advocates : M/s.S.B.Jena
S.K.Das
R.P.Singh
S.Behera
S.S.Mohapatra

-Versus-

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

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Respondents

By the Advocates : Mr.B.K.Bal
Addl.Standing Counsel

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for direction to respondents to pay ex-gratia amount and other retiral dues. There is also a prayer for direction to respondents to pay G.P.F. amount of the husband of the petitioner to her. There is also a third prayer for payment of interest.

2. The case of the applicant is that her husband Dharma ^{J.S.M.} Behera was working as S.P.A. Loco L.S.G. under S.E. Railway, Chakradhapur Division being posted at Himagin Railway Station. He passed away on 9.12.1962 leaving behind his widow, the present applicant and other family members. After the death of her husband the petitioner made several representations to the departmental authorities for grant of family pension and other retiral dues of her husband, but without any result; that why she has come up in this Original Application with the prayers referred to earlier. It is submitted by the learned counsel for the petitioner that in the present application he confines his prayer ^{only - J.S.M.} with regard to payment of exgratia amount with interest. In view of this averments made by the respondents with regard to other claims of the applicant made in the Original Application are not being referred to.

^{J.S.M.} 3. Respondents in their counter have stated that the applicant is entitled to payment of exgratia amount, but no application has been made by the applicant to that effect that is how the matter has not been taken up. The respondents have also stated that the death having occurred more than 37 years ago, the records may not be

available to consider the claims of the applicant.

3. We have heard Shri S.B.Jena, learned counsel for the applicant and Shri B.K.Bal, learned Addl. Standing Counsel appearing for the respondents. In consideration of submissions made by the learned counsel for both sides, this Original Application is disposed of with a direction to the applicant that within a period of 30 days from the date of receipt of this order she shall make an application to Divisional Personnel Officer, S.E.Railway, Chakradhapur Division (Res.3), under whom her husband was working asking for payment of exgratia amount from 1.1.1986. Respondent No.3 is also directed to consider and dispose of the application to be filed by the applicant within a period of 120 days from the date of receipt of the same.

4. As the petitioner is a widow of about 64 years old living in her village, Res.3 is directed to depute Welfare Inspector for verifying the claim of the applicant, if other records are not available. After such enquiry, a view on the prayer of the applicant for exgratia payment should be taken within a period of 120 days and arrears should be paid within a period of another 60 days thereafter. This prayer of the applicant is accordingly disposed of.

5. Learned counsel for the petitioner has submitted that on the arrear amount the applicant should be allowed interest at the prevailing bank rate. As the admitted position is that the applicant had never applied for payment of exgratia, we do not think that this is a fit case to award interest on payment of exgratia. In

view of this we hold that the applicant has not been able to make out a case for payment of interest on exgratia amount. This prayer is, therefore, rejected.

In the result the application is allowed in part, but without any order as to costs.

12-7-99.
(G. NARASIMHAM)
MEMBER (JUDICIAL)

B.K. SAHOO

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
13.7.99