

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 421 OF 1998
Cuttack this the 21st day of April, 2000**

Smt.K.Suryanarayananamma

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*

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 421 OF 1998
Cuttack this the 24th day of April, 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

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Smt. K.Suryanarayananamma,
W/o. Late K.V.S. Prakash Rao
C/o. R.Prakash Rao
Plot No: 36, Madhusudhan Nagar
Unit - IV
Bhubaneswar-751001

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Applicant

By the Advocates : M/s.V.Prithiviraj
S.V.R.Murty
S.R.Jena
S.Patnaik

-Versus-

1. Union of India represented through the General manager,
South Eastern Railway,
Garden Reach,
Calcutta-700043
2. The F.A. & C.A.O. (COM)
South Eastern Railway,
Garden Reach,
Calcutta-700043
3. The F.A. & C.A.O. (Pension)
South Eastern Railway
Garden Reach,
Calcutta-700043

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Respondents

By the Advocates : Mr.B.K.Bal

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner, who is the widow of late K.V.S. Prakash Rao has prayed for grant of family pension to her with effect from the date of death of her husband, i.e. 9.4.1960 or at least from the date of coming into force of Family Pension Scheme from 1964 after deducting the amount of Rs.150/- per month which she is now getting as ex-gratia and after adjusting the C.P.F. contribution. The second prayer is for direction to respondents to dispose of the applicant's pending representation by granting her pensionary benefits as prayed above.

2. The case of the applicant is that her husband was working as Accountant in the Office of the F.A.C.A.O., S.E.Railway, Garden Reach, Calcutta, till his death on 9.4.1960. He left behind his wife, the present applicant and three minor children. After many representations, the respondents granted ex gratia payment of Rs.150/- per month to the widow with effect from 1.1.1986. It has been submitted by the applicant that the ex gratia payment amount remained the same till the date of filing of this Original Application on 11.8.1998. Applicant had made representation seeking family pension. In response to her representation in letter dated 10.1.1997 at Annexure-2 she was informed by F.A.C.A.O.(Con), Garden Reach, Calcutta that her husband died on 9.4.1960 and at that time Family Pension Scheme was not in force. After the family pension scheme came into force, husband of the applicant did not opt for the family pension and therefore, there is no scope now for giving family

9) pension by depositing the requisite amount already received by the husband of the petitioner under Contributory Provident Fund Scheme. It was also stated in this letter that because the husband of the applicant had not opted for family pension scheme, the applicant was granted ex gratia pension with effect from 1.1.1986. In this letter it has been further stated that applicant's husband died on 9.4.1960 and there seems to be no existence of the office of FA & CAP(C) and that the F.A. & C.A.((Con), Garden Reach is not aware as to whether the applicant's husband worked as an Accountant. It is clear from Annexure-2 filed by the applicant herself that her husband was a subscriber to Contributory Provident Fund. In pursuance of the recommendation of the 4th Pay Commission, railway authorities allowed ex gratia payment of Rs.150/- per month to widows of Ex.C.P.F. employees, who had retired. Subsequently temporary increase was also allowed on this amount. Later on the quantum of ex gratia payment has been increased. Applicant has stated that she is continuously getting Rs.150/- per month without any change. If this is taken to be correct, then it is clear that the applicant has not been allowed Temporary Increase as also the increase in the quantum of ex gratia payment. From the letter at Annexure-2 it appears that Office of F.A.C.A.O.(Con) Garden Reach has written to the applicant stating that they have no records with regard to office where the applicant's husband was working. As the applicant is inreceipt of ex gratia payment of Rs.150/- per month it would not be difficult to find out from the ex gratia payment order itself as to the office where the applicant's husband was working. But as the copy of ex gratia payment order has not been filed, it is

not possible to note the office where the applicant's husband was working as Accountant. In view of this we direct the General Manager(Rs.l) that in case the applicant has not been allowed Temporary Increase which have been sanctioned on the ex gratia payment and the exgratia has not been increased and the increased amount of ex gratia payment has not been paid to the applicant, then such amount by way of temporary increase and the increased amount of ex gratia should be worked out and arrears paid to the applicant from the date these became due within a period of 90(Ninety) days from the date of receipt of this order. It is however, made clear that these amounts should be paid to the applicant strictly in accordance with rules and instruction in force. I also direct that so far as current payments are concerned, the applicant should be paid ex gratia in the enhanced rate if she is entitled to the same. The other aspect of the matter is that in this petition the aplicant has prayed for family pension. As according to applicant herself, her husband died in 1960 and the family pension scheme came into force in 1964, she is not entitled to family pension. For such of the widow of subscribers to C.P.F. who are not getting familiypension, railway introduced a scheme of ex gratia payment and the applicant is in receipt of the same. In view of this it is held that the payment prayer to get family pension by deducting ex gratia and C.P.F. amounts already received by her is without any merit and the same is, therefore, rejected.

The application is disposed of in terms of observation and direction made above, but without any order as to costs.