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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 472 OF 1998.

Cuttack, this the 8th day of March, 2000.

SMT. KURMAPU APPALAMMA.

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APPLICANT.

VRS.

UNION OF INDIA & OTHERS.

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RESPONDENTS.

FOR INSTRUCTIONS.

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 472 OF 1998

Cuttack, this the 8th day of March, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

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Smt. Kurmapu Appalamma,
W/o. Late K. Tatayya,
Dabhi Street, At/Po.
Jayanthipuram,
Via. Golantra, Dist. Ganjam,
Orissa.

Applicant.

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By legal practitioner : Mr. B. P. Yadav, Advocate.

- VRS. -

1. The Divisional Superintendent,
South Eastern Railway, Khargapur,
Dist. Midnapur (WB).
2. The Divisional Mechanical Engineer,
South Eastern Railway, Khargapur,
Dist. Midnapur (WB).
3. The Divisional Medical Officer,
South Eastern Railway, Khargapur,
Dist. Midnapur (WB);
4. The Divisional Personnel Officer,
D. R. M. Office, South Eastern Railway,
Khargapur, Dist. Midnapur (WB).
5. The General Manager, South Eastern Railway,
Garden Reach, Calcutta.
6. The Chairman of the Railway Board,
Railway Bhawan, New Delhi.

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Respondents.

By legal practitioner: M/s. D. N. Mishra, S. K. Parida, Standing
Counsel (Railways).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section
19 of the Administrative Tribunals Act, 1985, applicant
who is the widow of one K. Tatayya has prayed for payment
of salary of her husband from the date of his death, family
pension and D. C. R. G. and compassionate appointment to one

S. Som

member of the family of the deceased Railway employee. It is submitted by the learned counsel for the petitioner that he does not press the prayer for compassionate appointment and he will move separately for that relief. As regards the other two prayers, it is submitted by learned counsel for the petitioner that instead of family pension and D.C.R.G., he wants payment of ex-gratia as the widow of a railway employee subscribing to contributory provident fund. We have, therefore, heard ld. counsel for the petitioner on this limited prayer of payment of exgratia as also arrear salary of the applicant's husband. In this 1993 matter, inspite of large number of adjournments, counter has not been filed by the Respondents. On 24.1.2000, learned Standing Counsel for the Respondents Mr. D.N. Mishra, submitted that time should be allowed till 23.2.2000 for filing of counter and the matter may be posted to 8.3.2000 for final disposal. Accordingly, the matter was posted to today for hearing and final disposal even in the absence of counter. Today when the matter was taken up, ld. standing counsel for the Respondents wanted further time for filing of counter. As the matter was fixed today for hearing and last chance for filing of counter had already gone by 23.2.2000, prayer for further adjournment for filing of counter was rejected.

2. Applicant's case is that her husband was working as a fireman in the Deptt. of Loco Foreman under the SE Railway, Khargapur from 3.10.1947. He was a permanent employee and his provident fund account No. was 166509. Applicant's husband was declared medically unfit in his job as first fireman which is A-1 post but he was found fit for C-1 and C-2 posts only.

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Applicant's husband submitted a representation stating that he should be given one of the jobs under C/1 and/or C/2 category but Departmental Authorities gave an offer of an alternative appointment which was not acceptable to the applicant's husband. Applicant's husband submitted his resignation on 31-3-1965 but as it was a conditional resignation, the same was not accepted. He made many representations for getting alternative employment in C/1 and C/2 category but without any result. Ultimately applicant's husband passed away on 23.-12-1967. It has been submitted by Mr. BP Yadav, learned counsel for the applicant that applicant's husband was a subscriber to Contributory Provident Fund and in accordance with the recommendation of the 4th pay Commission, widows of railway employees who are Contributory Provident Fund subscribers have been sanctioned with exgratia payment w.e.f. 1.1.1986 but inspite of sanctioning this facility by the Railway Authorities, exgratia payment has not been sanctioned to the applicant even though she is entitled for this. As the Respondents have not filed any counter inspite of adequate opportunity to them, we have to go by the averments made by the applicant in his petition. In consideration of this, this prayer is disposed of with a direction to the Respondents that in case, the petitioner, as the widow of a railway employee, who was subscribing Contributory Provident Fund, is entitled to exgratia from 1.1.1986, then the same should be drawn and paid to her alongwith arrear within 60 days from the date of receipt of a copy of this order. As the applicant is an illiterate widow living in a village, Railway Authorities are directed to depute a welfare officer to her address given in the OA and get the documentation done so as to sanction the

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amount, as directed above, within a period indicated by us. It is also directed that after the period of 60 days, the Railway Authorities would ensure that the applicant shall get the monthly exgratia payment regularly. The second prayer is for payment of salary of her husband from the date of his discharged till his death on 23.12.1967. From the averments of the applicant herself it is clear that when he was declared unfit in A/1 category he left his station and did not report for duty. He sent a resignation letter. He has also stated that her husband went to MP in search of alternative employment. As the applicant's husband did not work from the date of her discharged till his date of death, the applicant's husband is not entitled to get the salary. Moreover, this claim of salary has been made by applicant 31 years after the death of the husband of applicant. Therefore, the claim is clearly barred by limitation. In consideration of the above, this prayer is rejected.

3. In the result, therefore, the OA is partly allowed.
No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Somnath Soni
(SOMNATH SOM)
VICE-CHAIRMAN