

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not filed.
 Rejoinder
 Dt. 15.4.2002

Ld.Counsel for the Applicant prays for further time to file Rejoinder.

Time granted till 01.05.2002 for Rejoinder.

~~LAST~~ 2002
 REGISTRAR

Rejoinder not filed.
 Rejoinder
 Dt. 01.5.2002

Ld.Counsel for the Applicant again prays for further time to file Rejoinder. Heard.

Time granted till 08.5.2002 for Rejoinder.

~~LAST~~ 15/5/2002
 REGISTRAR

Rejoinder not filed.
 Rejoinder
 Dt. 8.5.2002

Ld.Counsel for the applicant submits that due to some domestic problems, the client is not present and he is unable to file rejoinder and, therefore, prays for further time to file rejoinder. Heard.

Time granted as LAST CHANCE to file Rejoinder by 17.5.2002.

~~LAST~~ 15/5/2002
 REGISTRAR

order Dated 25.06.02.

At the instance of learned Counsel for the petitioner's matter is adjourned to 26.06.02.

[Signature]
 Member(J)

Order dated 26.6.2002

Heard Shri M.P.J.Ray, Advocate for the Applicant and Shri R.C.Rath, Addl. Standing Counsel for the Railways and perused the records.

Applicant's husband, who entered into railway service on 4.7.1949, died prematurely on 16.11.1958, while performing his duties as a Fireman, Gr.II at Khurda Road. At that time, he was a subscriber to Contributory Provident Fund (in short C.P.F.), which was applicable to the Railway employees and, on his death, the benefits arising therefrom (CPF) were paid to the family/ Applicant. During 1988, a scheme for payment of ex gratia at the rate of Rs.150/- (plus increments) per month was introduced w.e.f. 1.1.1986 by the Railways. Accordingly the Applicant is being paid ex gratia every month with incremental benefits. Following to revision of pay of the employees under Govt. of India/railways employees, w.e.f. 1.1.1996, the scheme for payment of ex gratia was also revised w.e.f. 1.1.1997. The minimum of Rs.150/- was accordingly revised and enhanced to Rs.605/- (plus increments) per month.

In the present Original Application the Applicant has prayed for family pension benefits and ex gratia benefits w.e.f. 16.11.1958, i.e., the date of death of her husband. The Applicant's

[Signature]

4 Q. A. 24/2002

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Rejoinder not filed.

Regr.

for ~~Admission~~
~~for hearing~~

Bench

for admission,

Bench

for admission,

Bench

husband was not in a pensionable establishment at the time of his death (as has been explained in the counter) and he was a subscriber to C.P.F. On his death, the benefits arising out of C.P.F. have been paid to the family/applicant. The scheme for grant/payment of ex gratia came into operation w.e.f. 1.1.1986 and the Applicant is getting the benefits ~~under~~ the said scheme. Her claim to get the said ex gratia benefit w.e.f. 16.11.1958 cannot be allowed; since the scheme for payment of ex gratia itself came into force w.e.f. 1.1.1986. It is the further stand of the Respondents that since the Applicant's husband was not in a pensionable establishment, which was introduced long after her husband's death, question of granting family pension to the Applicant does not arise. Apart from this, the prayer of the Applicant is grossly barred by limitation.

At the time of hearing, the Advocate for the Applicant has pointed out that the enhanced ex-gratia benefit (at the rate of Rs.605/- plus increments) per month, as introduced w.e.f. 1.11.1997 is ~~not~~ being paid to the Applicant.

Shri Rath for the Railways, in reply, has pointed out that all the Banks, from which ex gratia benefits ~~are~~ ~~have~~ been drawn by the railway employees/family members of the railway employees, have already been intimated by circulars to pay the ex gratia at the enhanced ~~at the rate of~~ Rs.605/- p.m. w.e.f. 1.11.1997. Shri Rath also specifically pointed out that Khurda Branch of State Bank of India, from which the Applicant is drawing her ex gratia benefits, was specifically instructed by

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the Railways (vide communication dated 16.3.1999) to pay ex gratia benefits at the enhanced rate w.e.f. 01.11.1997. To this, without entering into further inquiry, the Respondents are hereby directed to depute/Welfare Officers/Competent Officer to verify from Khurda Branch of S.B.I. as to whether really the Applicant is being paid ex gratia at the enhanced rate w.e.f. 1.11.1997 and if the ex gratia amount at the enhanced rate has not been paid to the Applicant, then the Respondents should take expeditious steps to ensure that the said amount is paid to the Applicant w.e.f. 1.11.1997, preferably, within a period of three months from the date of receipt of copies of this order.

With the observation and directions made above, this O.A. is disposed of. No costs.

Yehant
26/6/2002
MEMBER (JUDICIAL)

Copies of order
may be sent to
the court in
both the

N
3.7.02

Phy
S.O.D