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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 1107 of 2002
Cuttack, this the 30th day of September, 2004

Smt. Mahali Behera Applicant

Vrs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? X²
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal ? X¹

M.R.Mohanty
30/09/04
(M.R.MOHANTY)
MEMBER (JUDICIAL)

B.N.SM
(B.N.SM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

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CORAM :

HON'BLE SHRI B.N.SQM, VICE-CHAIRMAN
AND

HON'BLE SHRI M.R.MOHANTY, MEMBER (J)

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Smt. Mahali Behera, Aged about 54 years, W/o Late Arjun
Goala @ Behera, At/P.O./P.S. - Buguda, Dist. - Ganjam,
At present residing At/P.O./P.S. - Sarangada, Dist -
Kandhamal.

..... Applicant

Advocates for the Applicant - Mr. L.Pradhan

Vrs.

1. Union of India, Represented through Secretary, Ministry of Railways, New Delhi, At/P.O./Dist. - New Delhi.
2. Divisional Manager, South Eastern Railways, Kolkata, At/P.O./Dist. - Kolkata (West Bengal).
3. Chief Personnel Officer (Commercial), South Eastern Railway 14-Strand Road (8th Floor), Kolkata-1, At/P.O./Dist. - Kolkata (West Bengal).
4. Senior Personnel Officer (Commercial), South Eastern Railways, 14-Strand Road (8th Floor), Kolkata-1, At/P.O./Dist. - Kolkata.
5. Assistant Commercial Manager (Rates), Office of the Chief Personnel Officer (Commercial), South Eastern Railway, 14-Strand Road (8th Floor), Kolkata-1, At/P.O./Dist. - Kolkata (West Bengal).

..... Respondents

Advocates for the Respondents - Mr. R.C.Rath.

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ORDER

SHRI B.N.SQM, VICE-CHAIRMAN

Smt. Mahali Behera wife of late Arjun Goala @ Behera has filed this O.A. assailing the inaction on the part of Chief Personnel Officer (Respondent No. 3) in settlement of the pensionary benefits, admissible to her, despite submission of all requisite certificates.

2. The case of the applicant is that her late husband, Arjun Goala @ Behera, was working as Peon and was posted in the office of CCS(Rates) Office, South Eastern Railway, Kolkata and retired from service some time in 1975 on attaining the age of superannuation. Her husband expired on 25.12.91. But her husband was not granted pension before his death nor she has been granted family pension after his death.

3. The Respondents in their counter have disclosed that Arjun Goala was appointed as peon in the department and superannuated from Railway service w.e.f. 31.12.75. During his service period, he remained a member of Staff Contributory Provident Fund (in short SCPF). Hence, he was not entitled to pension. They have also disclosed that the PF ledger account, PF No. 115552, opened in the name of late Shri Arjun Goala was closed after his retirement on 31.12.75 by paying an amount of Rs. 5374 as final settlement of PF and an amount

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of Rs. 3446.50 was also passed for payment as special contribution.

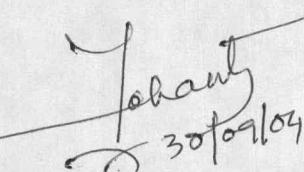
4. The applicant having not filed any rejoinder and having not been able to produce any other material about eligibility of her husband for superannuation pension, has no case to agitate. However, the Ld. Standing Counsel for the Respondents submitted before us that the Respondents by virtue of Establishment S/No. 170/88 dated 12.7.88 have taken a decision to grant exgratia payment to the families of deceased SCPF retirees and that this exgratia is also admissible w.e.f. 1.1.86 to the widow and dependent children to the SCPF beneficiary who died prior of 1.1.86. It was also disclosed that the widows and dependent children ~~would~~ ^{would} be granted exgratia payment of Rs. 150/- per month w.e.f. 1.1.86 or from the date following the date of death of the deceased employee whichever is later. In this case, as the husband of the applicant had died as stated by her on 25.12.91, the family would be entitled to the exgratia payment from that date. For the purpose of grant of ~~the~~ pension, the applicant is required to file an application in the prescribed form which is enclosed with the Establishment serial.

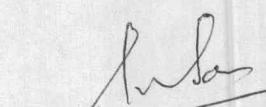
5. In view of the disclosure made by the Respondents, we dispose of this O.A. with direction to the applicant to apply for exgratia payment as

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prescribed under Establishment Sl.No. 170/38 in the prescribed form and fulfill the other requisite conditions as laid down under that scheme. As the applicant is an illiterate, we direct the Respondents to depute a welfare inspector to visit her place with the prescribed form and fill up the application form and collect the requisite certificates to ensure that the ~~hopeless~~ ^{hapless} family does not suffer more.

6. The O.A. is disposed of with the above directions.


(M.R.MOHANTY)
MEMBER (JUDICIAL)


(B.N.SQM)
VICE-CHAIRMAN

RK/SD