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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO.407 OF 2007

Cuttack this the 20th Day of July, 2009

CORAM:

THE HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
AND
THE HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

...
Smt.Bansaribala Swain ... Applicant(s)
-VERSUS-

Union of India & Ors. ... Respondent(s)

ORDER (ORAL)

JUSTICE K.THANKAPPAN, JUDICIAL MEMBER:

1. Applicant is the widow of late Uma Charan Swain, who was working as Material Checker in the Stores Department under Kharagpur Division. She has filed the present Original Application seeking the following relief:

"...to sanction Ex-gratia pension in favour of the applicant with effect from 4.1.99;
...to pay the arrears of Ex gratia payment with effect from 1.1.86 to 4.1.99;
...to pay penal interests on the arrears of ex-gratia amount etc."

2. It is the case of the applicant that her husband, while working as M/Clerk in Store Section under the Divisional Manager, S.E.Railway, Kharagpur retired in the year 1981. Her husband was not entitled to get any pension as he was governed by C.P.F. Scheme. Her husband passed away on 4.1.99 and thereafter the applicant made representation to Respondent No.3 to sanction ex-gratia pension in her favour. In support of her claim, the applicant has placed reliance on Office Memorandum No.4/1/87-P & P.W(PIC) dated 13.6.88 for grant of Ex gratia payment to the families of deceased civilian Central Government employees who were

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governed by Contributory Provident Fund Scheme. All endeavours of the applicant having become futile, she has approached this Tribunal in the present O.A. with the prayers referred to above.

3. The Respondent-Railways have filed their counter. In their counter filed, the Respondents have submitted that late husband of the applicant retired voluntarily from service w.e.f. 28.02.1982 on medical ground. Since her husband was eligible for P.F. amount with bonus etc. towards the retirement dues were released in his favour. However, due to non-cooperation as well as in absence of any claim from the side of the retired employee or any of his legal heirs, no retiral benefits could be paid. After receipt of notice in the present O.A., it is stated, that the Respondents have taken steps to collect necessary documents for the purpose of disbursement of the benefits as due and admissible in favour of the applicant. It has also been stated that the applicant would be paid the benefits as due and admissible as early as possible, provided she submits the relevant documents required for the purpose.

4. We have heard the learned counsel for the parties and considered the submissions and also perused the materials on record. Having regard to the facts and circumstances of the case, we direct the applicant to submit all necessary documents as required to be furnished to Assistant Personnel Officer(S)/KGP (Respondent No.5) in pursuance of letter dated 1.8.2008 (Annexure-R/1) within a period of fifteen days from to-day, if not already submitted, whereupon, the Respondents, particularly, Respondent No.5 is directed to draw and disburse the retiral dues to

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which the applicant is entitled to within a period of three months from the date of receipt of the documents so furnished by the applicant.

5. With the above direction, this O.A. is disposed of. No costs.

Chand
(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER

Kappan
(K.THANKAPPAN)
JUDICIAL MEMBER