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OA No. 587/2009
Smt. Parbati Mahanta Applicant
Versus
Union of India & Others Respondents

Order dated: 11th March, 2010.

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THE HON'BLE MR. M. R. MOHANTY, VICE-CHAIRMAN
And
THE HON'BLE MR. C. R. MOHAPATRA, MEMBER (A)
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It has been alleged in the present Original Application filed (on 30.11.2009) under section 19 of the Administrative Tribunals Act, 1985 that the husband of the Applicant retired from Railway Services (as a Gangman) on 30-06-1977 and expired on 08.02.1985; whereafter she was admitted to ex-gratia pension @ Rs.200/- p.m. ; which was enhanced to Rs.805/- p.m. w.e.f. 01.11.1997. It is stated that the Applicant submitted representations on 10.10.2006 (and, again, on 28.04.2009) seeking upward revision of ex-gratia pension and that Sub-Treasury Officer of Betanati forwarded her representation on 06.05.2009 and in the said premises the Applicant has approached this Tribunal with the following prayers:

“(i) Let the respondent no.1 and 2 be directed to revise the ex-gratia pension of the applicant with effect from 1.1.2006 with all arrears within a stipulated date;

OR

(ii) Let the Respondent No.2 be directed to pass an order/take a decision on the representation of the applicant under Annexure-2, within a specified date;

OR

(iii) May pass any other order as this Hon'ble Court deems fit and proper;

2. Heard Mr. Acharya, Learned Counsel appearing for the Applicant and Mr. S.K. Ojha, Learned Standing Counsel for the

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Railway (to whom a copy of this OA has already been supplied) and perused the materials placed on record.

3. It appears from Annexure-1 dated 17.10.2006 that the Sub Treasury Officer of Betnati wrote a letter to the Treasury Officer at Baripada (Dist. Mayurbhanj in Orissa) with reference to TO's Memo No.5293 dated 29.08.2006 (under intimation to the Senior Divisional Finance Manager of S.E.Railway at Kharagpur in West Bengal) to the following effect:-

"Sub: Complaint regarding less disbursement of Ex gratia Pension to Smt. Parbati Mohanta PPO No. Pen/Ex.gratia/SE/KGP/1991/P-1358/W.B.

Ref: Your Memo No.5293 dt.29.8.06.

Sir,

In inviting a reference to the captioned subject, I am to state that a sum of Rs.805/- (605+200) is paid to Smt.Parbati Mohanta since 1.11.97. A Xerox copy of PPO book is enclosed herewith for your kind reference. There is no any other rule is available in this office for any mere payment to this pensioner."

4. It appears from Annexure-2 dated 28.04.2009 that the Applicant submitted a representation to the Senior Divisional Finance Manager of SERly/Kharagpur seeking upward revision of her ex-gratia pension. Relevant portion of the said representation reads as under:

"Sub: Regarding my revision of Ex-gratia pension.

Ref: P.P.O No.Pen/Ex-Gratia/SB/KGP/1991/P-1358/WB and my representation dt.10.10.06.

Respected Sir,

I am the widow of Late Sristi Mahanta of Khetrapatna, PO. Anla, Dist.Mayurbhanj, Sir, my husband was working as Gangman under your good self and revised on 30.6.77. My husband died on 8.2.85. After death of my husband, I was given ex-gratia Pension from 8.2.85 of Rs.200/- PM. Thereafter, my ex-gratia pension has been increased to Rs.805/- PM from 1.11.97. But in the meantime 12 years is going to be expired very soon after there is no revision of my ex-gratia pension. Though in the meantime the 2008 pay Commission has given report and the Union Government has accepted the same and have revised the Pay of its

employees from 1.1.2006. So I request your good self to revise my ex-gratia pension from 1.1.06 to met my live and obliged. "

5. It is seen from Annexure-3 dated 06.05.2009 that the Sub Treasury Officer at Betnati wrote a letter to Senior Divisional Finance Manager of SERly/Kharagpur to the following effect:

"Sub: Revision of ex gratia pension in case of Smt.Parbati Mohanta holder of PPO No.Pen/Ex-Gratia/SE/KGP/1991/P 1358/WB.

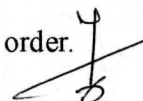
Sir,

In inviting a reference to the above noted subject I am to say that Smt. Parbati Mohanta holder of PPO No.1991/P 1358/WB drawing exgratia pension @ Rs.805/- (605+200) PM since from 01.11.1997 sinc then no revision has been made to the payment of ex gratia pension. It is, therefore, request you to please furnish the details of ex gratia hike in the recent past if any? The Xerox copy of PPO is enclosed herewith for your kind perusal.

An early action in this regard is solicited."

6. There has been an upward revision of pay and pension, by Government of India, with effect from 01.01.2006 by keeping in mind the market index. As a necessary consequence, the Railway must have revised upwardly the ex-gratia pension in the meantime. If not, they must be working out in that line; for which they need act promptly, as almost all the beneficiaries of the said ex gratia pension must be at the fag end of their life.

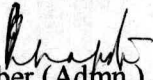
7. Since the matter pertaining to the Applicant is now pending with the Respondents, without any waste of time, we dispose of this case by remitting the matter to the Respondents; who should consider the grievance of the Applicant (as raised in her representation, in the letters of the Sub-Treasury Officer of Betnati and in the present Original Application) expeditiously and answer her within a period of 120 days of receipt of copies of this order.

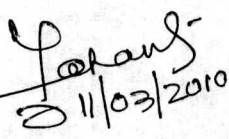


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8. Send copies of this order to the Applicant and the Respondents (together with the copies of this OA) by Regd. Post in the address given in this OA.

9. Free copies of this order be also supplied to the Advocates appearing for both parties.


Member (Admin.)


Vice-Chairman