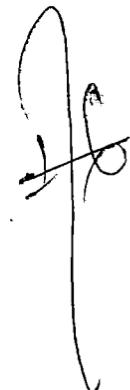


2/8



**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

Original Application No. 39/2007

DATE OF ORDER: 16.03.2007

CORAM:

HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

Smt. Surji Devi widow of late Sh. Govindya S/o Late Sh. Kumbha, by caste Meghwal, aged about 68 years, resident of VPO Rajpura, Piperan, Tehsil Suratgarh, Distt. Sri Ganganagar.

Late Sh. Govindya lastly worked as Gangmate, at Suratgarh in Northern West Railway, Division Bikaner.

...Applicant.

Mr. K.S. Yadav, counsel for the applicant.

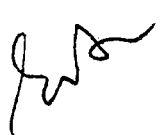
VERSUS

1. Union of India through the General Manager, Northern West Railway, Jaipur.
2. The Divisional Railway Manager, North-West Railway, Bikaner.
3. The Divisional Accounts Officer, North-West Railway, Bikaner.
4. The Divisional Personnel Officer, North-West Railway, Bikaner.

...Respondents.

ORDER (Oral)

The applicant has filed this O.A. seeking the following relief.



" It is therefore, humbly and most respectfully prayed that this Original Application may kindly be allowed and the respondents may kindly be directed to pay the Ex-gratia / pension to the applicant from the day as and when the same became due i.e. the day of death of the husband of the applicant. The non-applicants be further directed to pay the arrears of pension from the day as and when it became payable with an interest thereon @ 9% P.A. The cost of the application along with any other relief, which this Hon'ble Tribunal deems fit, just and proper in favour of the applicant, may kindly be granted."

2. The facts of the case are as under: -

(i) The husband of the applicant was working under the respondent- department on the post of Mate at Suratgarh but due to continuous ill health he died on 19.8.1971. The applicant being legally wedded wife of the deceased, moved an application for grant of Ex-gratia pension vide Annexure A/1. But the same found no result. The applicant approached the Pension Adalat and the same was turned down vide intimation dated 02.12.1992 alleging therein that as late Sh. Govindya tendered resignation, therefore, in view of the letter dated 9.3.1989 issued by Railway Board, the applicant is not entitled for ex-gratia pension.

(ii) The applicant again submitted a number of representations seeking ex-gratia pension. The request was not acceded to and vide letter dated 05.05.2005 (Annexure A/6), the applicant was informed that late Shri Govindya, husband of the applicant tendered resignation on 6.7.1971 and was accepted on 5.8.1971 by the competent authority. As per Railway Board letter No. A/10/F/E/111/88/PNI/26, the widows of the Railway servant who had resigned from service, are not entitled for ex-gratia pension.

(iii) On the issue of grant of ex-gratia pension, Annexure A/7 i.e. No. 720-E/XXXII(Pension) dated 21.03.1989 is a circular issued by the General Manager, Northern Railway enclosing a copy of Railway Board's circular No. F(E)III/88/PNI/26 dated 09.03.1989. These circulars clearly bring out that the families of the deceased Railway employees who had resigned from Railway Service are not eligible to Ex-gratia payment.


(iv) Feeling aggrieved against the inaction on the part of the respondents, the applicant preferred an OA No. 39/2006 but the applicant withdrew the same with liberty to file fresh OA. She now prefers this O.A.

2/10 28

-3-

3. Heard learned counsel for the applicant. Earlier on 23.02.2007, the learned counsel for the applicant argued the case for admission to some extent. On that date, it was made clear that the Railway Authorities have already stated that the husband of applicant Smt. Surji Devi, resigned from the Railway Service and she is not entitled to any family pension. The learned counsel for the applicant on that date had prayed for adjournment to show the departmental circulars by which the applicant (wife of a deceased Railway employee, who resigned from service) is entitled for ex-gratia pension. Today, learned counsel for the applicant fails to produce any such circular or instructions by which, such persons are entitled for ex-gratia pension. The case of the applicant had been given due attention by the departmental authorities, these included her appeals to the Pension Adalat from time to time. This makes it clear that the department has followed the rules applicable in such cases.

There is no force in the present O.A. and the same is dismissed accordingly. No costs.



[R.R. Bhandari]
Administrative Member

 /Kumawat/

K-3 Copy
29/3/07

Copy of Judgment at 16.3.07
along with copy of O.A with Annex
- send to R-1 to R-4 By Regd
Speed Post on 19.3.07
vide no 57 to 60
Date 20/3/07

Part II and III destroyed
in my presence on 22.6.14
under the supervision of
section officer (I) as per
order dated 26.2.14.

Section officer (Record)