

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.620/04

Friday this the 27th day of August 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

N.Chennimalai,
S/o.Nallamuthu,
(Rtd. Telegraph-Peon/Southern Railway/Erode),
Residing at Door No.54,
Periyasadaaiyam Palayam, Vaaikkal Medu,
Moolappalayam Post, Erode - 2.

Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
the General Manager,
Southern Railway, Headquarters Office,
PArk Town P.O., Chennai - 3.
2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
3. The Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

Respondents

(By Advocate Mr.Thomas Mathew Nellimootttil)

This application having been heard on 27th August 2004 the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant who voluntarily retired from service of the
Railways with effect from 20.4.1967 after a qualifying service of
21 years, 6 months and 19 days is aggrieved by the non-feasance
on the part of the respondents to grant him the benefits under
CPF Rules submitted an application for grant of ex-gratia payment
(Pension) in the light of Annexure A-2 Railway Board order
No.19/1998 dated 27.1.1998. He was told by Annexure A-3 letter
dated 3.6.1998 that the matter was being processed. Finding that
he did not get any information or ex-gratia payment he submitted
Annexure A-4 and Annexure A-5 representations dated 15.10.1999

and 2.12.2002 respectively addressed to the 3rd respondent. Even now the applicant has not been informed of the position. However, the applicant came to know that this Bench of the Tribunal in O.A.210/02 as also in O.A.307/04 held that persons similarly situated as the applicants are entitled to the ex-gratia payment and directed the Railway Administration to make payment to them. Still finding that the benefit is not granted to the applicant, he has filed this application praying for a declaration that he is entitled to be granted ex-gratia payment for the period from 1.11.1997, as provided for in Annexure A-2, and for a direction to the respondents to pay the applicant the consequential arrears with interest at the rate of 9% per annum. The applicant is a person who is aged 83 years and any delay in the matter of disposal of the application would be detrimental to his interest, submits the counsel.

2. Shri.Thomas Mathew Nellimoottil took notice on behalf of the respondents. In the facts and circumstances of the case the counsel agree that it would be appropriate if the 3rd respondent is directed to consider Annexure A-5 representation submitted by the applicant on 2.12.2002 in the light of the decisions of the Tribunal in O.A.210/02 and O.A.307/04 and to give the applicant a speaking order and if the applicant is found to be similarly situated as the applicants in the above said O.As to make available to him the benefits without further delay.

3. In the light of the above submissions made by the learned counsel on either side and in the interests of justice the application is disposed of directing the 3rd respondent to consider the representation of the applicant (Annexure A-5)

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claiming ex-gratia payment in the light of Annexure A-2 keeping in view the decisions of the Tribunal in O.A.210/02 and O.A.307/04 and if the applicant is found to be similarly situated and entitled to the benefits of ex-gratia payment, the monetary benefits flowing therefrom shall be made available to the applicant within a period of three months from the date of receipt of a copy of this order. No order as to costs.

(Dated the 27th day of August 2004)



A.V. HARIDASAN
Vice Chairman

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