

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 178 OF 2008

Tuesday, this the 2nd day of December, 2008.

CORAM:

HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER

K.Sarada
Kizhakkekulambil House
PO Mannanur, Palakkd

Applicant

(By Advocate Mr. U.Balagangadharan)

versus

1. Union of India represented by the Secretary
Ministry of Personnel, Public Grievances and Pension
Department of Pension & Pensioner's Welfare
Third Floor, Lok Nayak Bhavan
Khan Market, New Delhi - 110 003
 2. The Secretary
Railway Board, Rail Bhavan
Rafi Marg, New Delhi
 3. The Senior Divisional Personnel Officer
Palghat Division
Southern Railway, Palakkad
 4. The Senior Divisional Finance Manager
Palghat Division
Southern Railway, Palakkad
 5. The Manager
State Bank of India
Vaniamkulam
- Respondents


(By Advocate Mr. TPM Ibrahim Khan, SCGSC (R-1)
Advocate Mr. Thomas Mathew Nellimoottil (R2-4))

The application having been heard on 02.12.2008, the
Tribunal on the same day delivered the following:

ORDER


HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER

When the matter was taken up today for hearing, counsel for
applicant submitted that the facts of this case are identical to the facts



of the case in OA 706/07 which was disposed of by this Tribunal on ¹²06.11.2008. He has, therefore, prayed that this case may be disposed of on the same lines. Counsel for respondents Mr. Varghese John has also endorsed the stand taken by the counsel for applicant that the facts are identical.

2. I have gone through the OA as well as other documents on record. Applicant is the widow of Late Shri Balakrishnan who died while on duty on 27.06.1994 in an accident. The applicant was granted extraordinary family pension as per the provisions of the Government of India O.M. dated 03.02.2000, adopted by the Railways. But subsequently it was cancelled by the impugned order. The applicant has challenged the cancellation of the enhanced extra-ordinary family pension. The cancellation has been done on the ground that employees covered by Workman's Compensation Act are not entitled for extra-ordinary family pension. The same issue was the subject matter in OA 105/06 and connected cases which was allowed by this Tribunal. It is reported by the counsel for the respondents that they have challenged the order of this Tribunal in OA 105/06 and connected cases in the Hon'ble High Court of Kerala and that the Hon'ble High Court of Kerala has issued interim order staying the implementation of the order of this Tribunal (W.P(C) Nos. 18040/07, 15504/07 and 16180/07). However, the decision of the Tribunal has not so far been reversed by the Hon'ble High Court




3. Taking note of the pending W.P(C) and also the interim stay order in OA 105/06, this Tribunal had disposed of OA 706/07 by

directing the respondents to extend the same benefits as are extended to the applicants in OA 105/06 and connected cases subject to the directions of the Hon'ble High Court of Kerala as the facts are identical. Both the counsels agreed that this OA can also be disposed of in ^{the} ~~ten~~ same manner as the facts are identical.

4. For the reasons stated above, this OA is disposed of with a direction to the respondents to extend to the applicant, the same benefits as are given to the applicants in OA 105/06 and connected cases in respect of extra ordinary family pension subject to the directions of the Hon'ble High Court in the pending W.P(C). There shall be no order as to costs.

Dated, the 2nd December, 2008.


Dr. K.S. SUGATHAN
ADMINISTRATIVE MEMBER

VS