

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.251/09

Monday this the 7th day of December, 2009.

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

P.Veerammal,
W/o.late K.Palanisamy,
Residing at No.55, Old Kallivalasu,
Jeevanandam Street, Railway Colony PO, Erode.Applicant

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s

1. Union of India represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai – 3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
3. The Divisional Finance Manager,
Southern Railway, Palghat Division,
Palghat.
4. The Manager,
Indian Bank, P.B.No.1,
No.5 A, Gandhiji Road, Erode.Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 7th December, 2009, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is the widow of late K.Palanisamy, who, while working as Senior Trackman, Southern Railway, Erode, passed away while on duty on 18.11.2004 due to an accident. She is aggrieved by the non-feasance on the part of the respondents to grant and pay to her the balance ex-gratia



lump sum amount of Rs.1,67,420/- which is otherwise entitled to her as per Annexure A-2 order of this Tribunal dated 3.5.2007 in O.A.284/07, filed by her earlier. The operative part of the said order was as under :-

"4. Mr. TCG Swamy, learned counsel for applicant relied upon the orders whereby ex-gratia payment towards compensation are payable to such employees, and it is his contention that over and above payment for Workmen's Compensation the applicant is entitled for the balance of ex-gratia lump sum compensation.

5. In view of the passage of time, the Administration is not justified in keeping idle in the matter. It is directed that Annexure A-3 representation be disposed of for payment of compensation, within three months from the date of receipt of a copy of this order.

6. The OA is disposed of as above. No costs."

2. In the reply statement filed by the respondents, they have submitted that in terms of the aforesaid order of this Tribunal in O.A.284/07, vide Pay Order No.0450700 dated 11.9.2007, the respondents have paid an amount of Rs.1,24,598/- duly deducting Rs.42,822/- towards excess amount of pension already paid to the applicant. They have also submitted that she was being paid Rs.3750/- with effect from 19.11.2004 as extra ordinary family pension erroneously as per Annexure A-1 even though the extra ordinary family pension was to be extended only to those who were not covered under Workman Compensation Act, as per the subsequent clarification received from Chief Personnel Officer, Madras vide his letter dated 6.7.2005. Accordingly, the family pension sanctioned to her @ Rs.3750/- plus relief was to be revised to Rs.2424/- plus relief with effect from 19.11.2004 to 18.11.2011 and Rs.1913/- plus relief thereafter. Consequently, she was issued with the Annexure A-3 notice dated

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.3.

10.5.2006 regarding the proposed revision of pension. Thereafter, the Pension Disbursing Authority, namely, the Indian Bank, Erode Branch has furnished her pension particulars from 19.11.2004 wherein it is seen that she has been sanctioned relief on pension every month as per the percentage admissible from time to time (Annexure R-1). They have, therefore, submitted that her contention that she was not paid dearness relief on family pension is not sustainable.

3. Counsel for the applicant has not refuted the aforesaid factual position.

4. In view of the above position, this OA has become infructuous and accordingly the same is dismissed. There shall be no order as to costs.

(Dated this the 7th day of December 2009)


GEORGE PARACKEN
JUDICIAL MEMBER

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