

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM EBNCH**

O.A. No. 285 OF 2007

Wednesday, this the 10th day of October, 2007.

CORAM :

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

V. Nagammal.

Residing at : No.251/307, Sastri Nagar,
Anna Nagar, Erode - 2

: **Applicant**

(By Advocate Mr. T.C.Govindaswamy)

Versus

1. Union of India represented by Secretary
to the Government of India
Ministry of Railways (Railway Board)
Rail Bhavan, New Delhi

2. The General Manager, Southern Railway,
Headquarters Office, Park Town P.O.
Chennai – 3

3. The Senior Divisional Finance Manager,
Southern Railway, Palghat Division, Palghat

4. The Senior Divisional Personnel Officer
Southern Railway, Palghat Division
Palghat : **Respondents**

(By Advocate Mr. P.Haridas)

The application having been heard on 10.10.2007, the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed the present O.A seeking a direction to
the respondents to pay her an amount of Rs. 3,43,530/- which was due
to her on account of ex-gratia lumpsum compensation of Rs. 5 Lakhs
(Rupees Five Lakhs only) minus Rs.1,56,460 (Rupees One lakh fifty six
thousand four hundred and sixty only) paid by way of compensation
under the Workmen's Compensation Act with 10% interest. The



respondents with the reply statement have annexed the Annexure R-1 letter No. P(S) 500-1/EGP/PGT-I dated 16.08.2006 from the Deputy Chief Personnel Officer/Engg for General Manager (2nd respondent) to Secretary, Railway Board, Rail Bhawan, New Delhi (1st Respondent) according to which, they have forwarded the proposal for sanction of ex-gratia lumpsum payment of the aforesaid amount in favour of the applicant with the concurrence of FA &CAO (Hqrs) / MAS and with approval and recommendation of the General Manager. It has also been confirmed in the said letter that the death of the employee had occurred out of an accident occurred during the course of employment and the family members are eligible for ex-gratia lumpsum payment of Rs.5 lakhs (minus WCA compensation of Rs.1,56,470/- already paid.)

2. The counsel for respondents submitted that a further four months time would be a reasonable time for the respondents to finally pay the amount in pursuance of Annexure R-1 order. It is noticed that the death of the employee while on duty occurred on 30.01.2000 and the widow had earlier approached this Tribunal vide OA 261/06, when the extra ordinary family pension granted to her was reduced. This Tribunal had to intervene in that matter and directed the respondents to consider the representation made by her in that regard and dispose of the same within two months, vide order dated 21.04.2006. The respondents have also admitted that she was entitled for the ex-gratia lumpsum amount of Rs.5,00,000/- minus the amount already paid under W.C.A. However, the order in this regard has been issued by the 2nd respondent only on 16.08.2006. Even after the issuance of the said order, a period of one year has elapsed but the actual payment has not been made so far. In my considered opinion, it is a very sorry state of affairs with the respondent department. Even the rightful claim for lumpsum ex-gratia payment of the

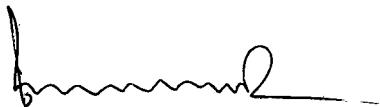
[Handwritten signature]

: 3 :

widow of a very low paid employee who died in an accident while serving the Department has not been settled for nearly seven years. Such inordinate delay in settling the terminal benefits of a deceased employee cannot be appreciated under any circumstances. However as proposed by the counsel for respondents, respondents shall make the balance payment of Rs. 3,43,530/- to the applicant positively within the agreed time of four months from the date of receipt of the order. In case the respondents fail to pay the amount within the aforesaid period of four months, the applicant shall be entitled for interest at the rate of 10% from the date of Annexure R-1 order dated 16.08.2006 till the date of actual payment.

3. The O.A. Is disposed of accordingly. No costs.

Dated, the 10th October, 2007.



GEORG PARACKEN
JUDICIAL MEMBER

vs