

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO:363/2008.
DATED THE 22nd DAY OF APRIL, 2009.**

**CORAM:
HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER**

K Thangamuthu,
Retired Rakshak, Railway Protection Force,
Southern Railway/Coimbatore,
Residing at No.10, Chinnamuthu III Street,
Melmadi, Edayankattu Valasu,
Erode-638 011. ... Applicant.

By Advocate Mr T C G Swamy

V/s

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

By Advocate Mr Thomas Mathew Nellimoottil

This application having been heard on 22.04.2009 the Tribunal on the
same day:delivered the following

(ORDER)

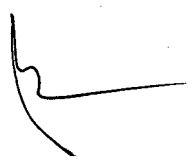
HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

- 1 The applicant had earlier approached this Tribunal seeking a
declaration that he is entitled to be granted ex-gratia payment from



1.11.1997 as provided in the order of the Railway Board RBE No.19/98 (No.F(E)III/97/PN1/Ex Gr/5, dated 27.1.98) regarding grant of ex-gratia payment to surviving State Railway Provident (Contributory) Rules (SRPF (C) for short) retirees of the period 1.4.57 to 31.12.85. The said OA was allowed vide Annexure A-2 order dated 9.12.2005 and its operative part was as under:-

"5 I have heard the learned counsel for both the parties. I do not find any merit in the argument of the respondents. It was the 4th Central Pay Commission which recommended the grant of ex-gratia payment to all the Railway/Central Government servants who retired from service under the CPF Rules prior to 1.1.1986. Initially, this recommendation was extended only to the widows/families of the Railway employees who were governed by the CPF scheme and who retired from service prior to 1.1.86. However, the 5th Central Pay Commission recommended ex-gratia payment to such of the surviving retirees also and the same was accepted by the government and implemented by the Railway Board by A2 order dated 27.1.98. The purpose of granting such ex-gratia payment was that the successive pay revisions have enhanced the pension of the pensioners but no such benefits were granted to those who were covered by CPF Schemes. The question whether those who covered by SRPF (C) on quitting service after completing the qualifying years on acceptance of their resignation by the competent authority, is entitled to the benefit of ex-gratia payment in terms of the Railway Board Order No. RBE 19/98 dated 27.1.98 or not was already considered by this Tribunal by the detailed order dated 4.3.03 in OA 210/02 (supra). In that case the argument on behalf of the respondents was that even if those who have voluntarily retired are entitled to payment of ex-gratia payment, the person who resigned from service would not be entitled to the benefit. In the present case, the applicant had voluntarily retired from service. Hence the respondents should have no objection to grant him the ex-gratia payment on their own. IN the order dated 4.3.03 (supra) this Tribunal has given clear reasoning as to why there need not be any difference between persons who superannuated or those who have resigned/voluntarily retired for the purpose of getting ex-gratia payment, so long as they were beneficiaries of CPF/SRPF. I do not find any reason to deviate from the aforesaid orders of this Tribunal. I therefore, allow this OA. The respondents are hereby directed to grant ex-gratia payment to the applicant for the period from 1.11.97 as provided in the A2 order dated 27.1.98. The arrears of ex-gratia allowance with 8% (eight percent) interest per annum till the date of payment should be made available to the applicant at the earliest. Considering the fact that the applicant is a very aged person this direction shall be carried out within a period of three months from the date of receipt of this order. There is no order as to costs."



granted ex-gratia payment to the applicant for the period from 1.11.97 in terms of the aforesaid Annexure A-1 order of the Railway Board dated 27.1.98. with 8% interest per annum.

3 Subsequently, the Railway Board has issued the Annexure A-3 order No RBE No.170/2006 letter No.F(E)III/98/PN1/ExGr/3 dt 15.11.2006. In the said circular, the amount of basic ex-gratia has been revised to different groups of service. As far as the Group 'C' service is concerned, it has been enhanced to Rs.750 p.m. w.e.f. 1.11.2006. The applicant has made the Annexure A-4 representation for enhancement of his ex-gratia payment in terms of the aforesaid Annexure A-3 circular of the Railway Board. Thereafter, he has approached the Pension Adalat vide Annexure A-5 application dated 28.6.2007. The Pension Adalat has also not passed any orders on his application.

4 The respondents in para-8 of the reply have stated that the Annexure A-3 circular of the Railway Board dated 15.11.2006 is applicable only to those persons who have rendered atleast 20 years of continuous service prior to their superannuation but the applicant had voluntarily retired from service on 28.6.1971 and therefore, he is not entitled to the enhanced ex-gratia payment.

5 I have heard the counsel for parties. It is seen from the Annexure A-2 order of this Tribunal dated 9.12.2005 in OA 695/04 filed by applicant earlier, the respondents had taken similar contentions at that time also. The Railway Board, vide circular no.19/98 dated 27.1.98, issued orders for grant of ex-gratia payment to all surviving SRPF(C) retirees of



the period 1.4.57 to 31.12.85. Therefore, there is no question of making any distinction between similar pensioners in the matter of payment of enhanced ex-gratia. By the Annexure A-3 circular of the Railway Board No.170/06 dated 15.11.2006, only an enhancement in the amount of ex-gratia payment to the SRPF(C) has been made. I do not find sense in the approach of the respondents in denying the enhanced rate of ex-gratia payment in terms of the said orders of the Railway Board on the ground that the applicant had already secured an order from this Tribunal to get the ex-gratia payment on the basis of the revised rate prescribed in terms of Railway Board's Annexure A-1 circular no.19/98 dated 27.1.98. In my considered view, the denial of enhanced ex-gratia payment to the applicant is absolutely unjustified and the respondents have dragged the applicant to this Tribunal again for redressal of his grievance. I therefore, allow this OA and direct the respondents to pay the enhanced ex-gratia in terms of Annexure A-3 circular dated 15.11.2006 w.e.f. 1.11.2006 to the applicant within two months from the date of receipt of this order.

6 Considering the fact that the applicant is an Octogenarian and he had to approach this Tribunal for the 2nd time, I am inclined to impose a cost of Rs.2,000/- to the respondents and the same shall also be paid by them to the applicant within the aforesaid period of two months.


(GEORGE PARACKEN)
JUDICIAL MEMBER

abp