

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No 384/96

THURSDAY, THIS THE 3RD DAY OF JULY 1997

C O R A M:

HON BLE MR. A M SIVADAS, JUDICIAL MEMBER

C Lakshmi Amma  
W/of late C. Narayanan Nair  
'Quarter Master/Steering Master  
Southern Railway, Madurai Division  
Residing at Thodanchal Post,  
Pasrappa Via) Neeleswar  
Kasargod District.

Applicant

By Advocate Mr. K M Anthru

Vs

- 1 Union of India represented by the  
Secretary to the Government of India,  
Ministry of Railways  
Rail Bhavan  
New Delhi.
- 2 The General Manager  
Southern Railway  
Headquarters Office  
Park Town P O.  
Madurai.
- 3 The Divisional Railway Manager  
Southern Railway,  
Madurai Division  
Madurai.
- 4 The Chief Personnel Officer  
Southern Railway,  
Headquarters Office  
Park Town P O  
Madras 3

Respondents

By Advocate Mr. K V Sachidanandan

The application having been heard on 3.7.97, the  
Tribunal on the same day delivered the following

O R D E R

HON BLE MR. A.M. SIVADAS JUDICIAL MEMBER

The applicant aggrieved by the failure on the part of the  
respondents to grant her pension/family pension as provided  
under the rules, seeks to quash A3 and for a declaration that  
her deceased husband was entitled to grant of pension from the

date of his retirement and that she is entitled to grant of family pension from 16.2.95, the date on which her husband expired.

2. The applicant, widow of Shri Narayanan Nair who was a Quarter/Steering Master in the Marine Service of Madurai Division, Southern Railway, took voluntary retirement in October, 1967. He died on 16.2.95. During the life time of the husband of the applicant, no pension was granted to him. The period after his retirement till his death is not a short period, but a long period of 28 years. Now the applicant says that her husband was entitled to pension and she is entitled to family pension.

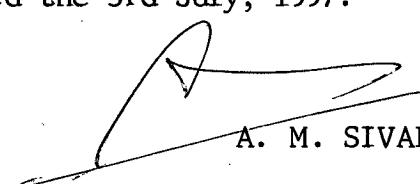
3. The respondents <sup>have</sup> /inter alia stated that the applicant is eligible for ex-gratia pension with effect from 17.2.95 i.e. "the next date of sudden demise of her husband" provided she submits an application in the prescribed form to the Divisional Personnel Officer, Madurai Division.

4. When the Application came up for hearing, the learned counsel appearing for the applicant submitted that the applicant is not pressing the reliefs claimed in the Original Application and it is suffice to record the statement of the respondents in the reply statement that the applicant is entitled to ex-gratia pension with effect from 17.2.95, provided she submits an application in the prescribed form. The same is recorded. It is also submitted by the learned counsel for the applicant that the applicant <sup>may</sup> be permitted to submit an application in the prescribed form.

5. The applicant is permitted to submit an application in the prescribed form to the Divisional Personnel Officer, Madurai Division, the third respondent, within one month from today. If such an application is submitted, the third respondent shall consider the same and pass appropriate orders within two months from the date of receipt of the same.

6. The application is disposed of accordingly. No costs.

Dated the 3rd July, 1997.

  
A. M. SIVADAS

JUDICIAL MEMBER

LIST OF ANNEXURE

1. Annexure A3: A true copy of the letter No.U/P 500/DPG/DOP-Vol.I dated 6.1.95 issued by the third respondent.

.....