

AS

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 18 of 1992 (L)

Smt. Kesar . . . . . Applicant

Versus

Union of India and others . . . . . Respondents

Hon'ble Mr. S.N. Prasad, Member (Judicial)

The main grievance of the applicant as mentioned in the application, briefly, inter-alia, is that after the death of her husband namely Hit Lal who was working as a pointsman at Persaindi Station in District Sitapur under D.R.M., N.E. Railway, Lucknow and retired on 10.6.1985 and at the time of his retirement the aforesaid Hit Lal was getting Rs. about 1000/- as his last pay<sup>~ as permanent employee ~</sup> and he died in the year, 1990; and after the death of the aforesaid Hit Lal, the applicant despite her best efforts was not granted family pension and it is also alleged that the applicant was not paid gratuity<sup>~ etc. ~</sup> and as such she has approached this tribunal.

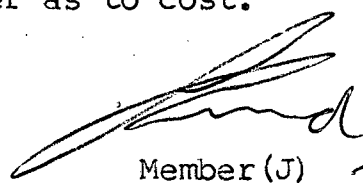
2. The respondents have filed counter-reply contending therein inter-alia, that since the deceased husband namely Hit Lal of the applicant was a subscriber of G.P.F., as such he was provided ~~to~~<sup>~</sup> the benefits of Contributory providend fund; and<sup>~ accordingly ~</sup> he was paid Rs. P.F. 19,312/- as <sup>a</sup> P.F. and Rs. 13,909.70 as S.C. to P.F. amounting<sup>a</sup> total of Rs. 33,221.70, and it has further been contended that since the above amounts were paid and as such the aforesaid Hit Lal was not entitled for pensionary benefits and the applicant is also not entitled for the relief<sup>z</sup> sought for.

3. This is noteworthy that as per order dated

Contd...2/-

23.9.1992, the applicant was directed to file rejoinder-affidavit, if any, but no rejoinder-affidavit has been filed. Thus, keeping in view, the contentions of the respondents as set out in the counter-affidavit and in absence of rejoinder-affidavit refuting the aforesaid payments, I find that the argument of the learned counsel for the applicant to the effect that still a sum of <sup>the</sup> amount <sup>are lying</sup> out-standing against the respondents by way of gratuity, Leave encashment, <sup>does not appear to be without force. Thus,</sup> keeping in view the facts and circumstances of the case and all aspects of the matter; I find that the ends of justice would be met if the respondents are directed to calculate the <sup>accurate</sup> amount of P.F. and S.C. to P.F. and gratuity, or any other amount for which the applicant is found entitled, <sup>and the</sup> <sup>same be</sup> reckoned in accordance with extant rules, regulations and orders in this regard; and the applicant be paid the same for which she is found entitled within a period of two months from the date of receipt of <sup>the</sup> a copy of this judgement; and I order accordingly.

4. The application of the applicant is disposed of as above without any order as to cost.

  
Member (J) 28.9.92

Lucknow Dated 28.9.1992.

(RKA)