

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

ORIGINAL APPLICATION No. 793 OF 1988.

Dattatraya Mahadeo Bhuskute,
100, Fanaswadi,
Rungatha Bhuvan,
2nd Floor, Room No.29,
Bombay - 400 002.

... Applicant

V/s.

1) Secretary,

Ministry of Personnel & Training,
Administrative Reforms and
Public Grievances and Pension,
Dept. of Pensions and Pensioner's
Welfare, Sardar Patel Bhavan,
Sansad Marg,
New Delhi.

2) Chairman,

Railway Board,
Rail Bhavan,
Ministry of Railway,
New Delhi.

3) General Manager(E),

Western Railway,
Headquarters Office,
Churchgate,
Bombay - 400 020.

... Respondents

Coram: Hon'ble Member(J), Shri M.B. Mujumdar
Hon'ble Member(A), Shri M.Y. Priolkar

Appearances:

1) Shri P.V. Deshpande,
Advocate for the
Applicant.

2) Shri A.L.Kasturey,
Advocate for the
Respondents.

ORAL JUDGMENT:

Date: 11.1.1989.

¶Per: M.B.Mujumdar, Member(J)¶

Heard Shri P.V. Deshpande, learned advocate for the
applicant and Shri A.L.Kasturey, learned advocate for the
respondents.

2. The applicant who is now more than 80 years has
filed this application praying that the respondents may be

directed to extend the benefits of ex-gratia payment to him on analogy of the orders issued by the Govt. of India, Ministry of Pension dtd. 13.6.1988, with effect from 1.1.1986.

3. The applicant was appointed as a Clerk in 1929. In February, 1966 he retired as Goods Clerk. He was a member of the Contributory Provident Fund Scheme and in the next year i.e. in 1967 he was given the amount due to him towards provident fund which must have included the contribution of the respondents also.

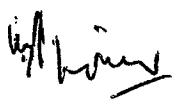
4. The applicant has relied on a letter of Government of India, Ministry of Pensions dtd. 13.6.1988. The subject of the letter is grant of ex-gratia payment to families of deceased CPF retirees. Para-1 of the letter states that "The President is pleased to decide that the widows and dependent children of the deceased CPF beneficiaries who had retired from service prior to 1.1.1986 shall be granted ex-gratia payment of Rs.150/- p.m. with effect from 1.1.1986 or from the date following the date of death of the deceased employee whichever is later. The ex-gratia payment shall also be admissible with effect from 1.1.1986 to the widows and dependent children of the CPF beneficiaries who died while in service prior to 1.1.1986."

5. Mr.Deshpande, learned advocate for the applicant submitted that if the applicant would have died before 1.1.1986 his widow would have got family pension according to the scheme given in the said letter dtd. 13.6.1988. According to Mr.Deshpande the scheme discriminates between a retired government employee who is alive and his widow and hence the same benefits should be awarded to him also.

6. We are not at all impressed by this argument. The scheme is meant for widows and dependent children only. We do not find anything discriminatory in the said scheme.

7. Lastly Mr. Deshpande stated that the Supreme Court has given a direction to give ex-gratia payment to the retired government employees also who were governed by the CPF scheme. That judgment is not before us. Moreover if there is a judgment of the Supreme Court to that effect the Govt. is bound to implement it. If the government does not implement it the applicant can seek his own remedy. Moreover that is not a prayer in this application.

8. In result we find that this application is misconceived and hence reject the same summarily under Section 19(3) of the Administrative Tribunals Act, 1985 with no order as to costs.


(M.Y.PRIOLKAR)
Member(A)


(M.B.MUJUMDAR)
Member(J)