

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

67

Original Application No: 884/89

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DATE OF DECISION 20.10.93

Smt. Shevantibai D.Donde Petitioner

Sgr. V.G. Paste Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri J.G. Sawant Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Smt.~~ Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri

1. whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

NS/

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 884/99

Smt. Shevantibai D. Donde

... Applicant.

V/s.

Union of India through
General Manager
Central Railway
Bombay VT.

Divisional Railway Manager
Central Railway
Bombay.

... Respondents.

CORAM: Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Appearance

Shri V.G. Paste, counsel
for the applicant.

Shri J.G. Sawant, counsel
for the respondents.

ORAL JUDGEMENT

Dated : 20.10.93

PER Smt. Lakshmi Swaminathan, Member (J)¶

Heard counsel for the parties. The short point in the case is regarding the payment of family pension in terms of Railway Board's letter dated 19.9.72 placed at Annexure B. By this letter the Railway Board had given an option to the families of the deceased who expired while in service from 1969 to 1972 to come over to the pension scheme in lieu of the Contributory State Family Provident Fund Scheme. One of the conditions enumerated in the letter was that if any family member of the late Shri D.B. Done, husband of the applicant, desires to take advantage of these orders they should make the request to that effect duly accompanied by the amount to be refunded by them viz. the Government Contribution to Provident Fund and excess of special contribution paid under SRPF Rules over the DCRG dues under pension scheme, which amounts to Rs. 4,516/-, within a period of one month from the date of receipt of this communication. There is nothing in the records of the

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case to show that the applicant had made any such request within the stipulated period or within a reasonable period thereafter for availing of the option given by the Railway Board. The learned counsel for the applicant, however, states that she had made certain representations to the authorities for waiver of the refund of the amount mentioned above but this has been disputed by the respondents.

There is no doubt that any such representation, if made, has been done very belatedly.

2. From the above facts it is seen that the applicant has not fulfilled the terms and conditions of the family pension scheme which was given to those persons who expired while in service during the period from 1969 - 1972.

3. It may also be seen that as per the Government of India letter dated 13.6.88, the applicant had been granted an ex-gratia payment of Rs. 150/- p.m. with effect from 1.1.86 by order dated 15.10.88.

4. In the above facts and circumstances of the case I am of the view that since the applicant has not fulfilled the terms and conditions of the letter dated 19.9.72, she is not entitled to family pension from 1970. The claim is hopelessly time barred. The application is dismissed with no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

NS