

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 812 of 1999.

Dated this Thursday, the 18th day of November, 1999.

Smt. Ishwaribai C. Tilokani, Applicant.

Shri R. C. Ravalani, Advocate for the applicant.

VERSUS

Union of India & Others, Respondents.

Shri R. R. Shetty for Advocate for  
Shri R. K. Shetty, Respondents.

CORAM : Hon'ble Shri D. S. Baweja, Member (A).

(i) To be referred to the Reporter or not ?

(ii) Whether it needs to be circulated to other Benches of the Tribunal ?

(iii) Library.

  
(D. S. BAWEJA)  
MEMBER (A).

OS

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Dated this Thursday, the 18th day of November, 1999.

CORAM : Hon'ble Shri D.S. Baweja, Member (A).

Smt. Ishwaribai C. Tilokani,  
W/o. Late Shri Chellaram H. Tilokani,  
(Ex. Civilian Labour, CVD,  
Dehu Road).  
Residing at - Room No. 7,  
B-Block No. 19, Pimpri Colony,  
Pune - 411 017. ... Applicant.

(By Advocate Shri R. C. Ravalani)

VERSUS

1. Union of India through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 011.
2. The Commandant,  
Ordnance Depot,  
Allahabad (U.P.) 211 001. ... Respondents.  
(By Advocate Shri R. R. Shetty  
for Shri R. K. Shetty).

OPEN COURT ORDER

PER : Shri D.S. Baweja, Member (A).

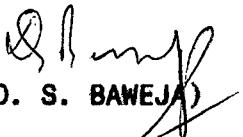
This O.A. has been filed by the applicant seeking a relief of ex-gratia payment with effect from 01.10.1998 when her Shri late husband Chellaram Hemandas Tilokani died. The applicant has submitted that her late husband was working as a Mazdoor/Labour (Civilian) with the Respondent No. 2. The respondents have filed a written statement. The applicant has not filed any rejoinder for the same.

2. I have heard the arguments of Shri R.C. Ravalani, the Learned Counsel for the applicant and Shri R.R. Shetty on behalf of Shri R.K. Shetty, the Learned Counsel for the respondents.

3. The respondents in their written statement have conceded that the applicant is entitled for ex-gratia payment on the death of her husband as per the extant rules. The only hindrance is with regard to production of the original receipt of I.O.F.W.P. Fund Account No. 64890 and the Discharge Certificate. The Learned Counsel for the applicant submits that originals of these documents are not available with her and this has already been informed to the respondents through the letter of the Advocate dated 13.05.1999. The applicant further submits that the prescribed proforma duly filled in with necessary documents has been already furnished and copy of which has been brought on record at Annexure A-6. The applicant seeks the payment of ex-gratia in terms of the extant rules laid down by the Department of Pension & Pensioners' Welfare as per O.M. dated 13.06.1988. The Counsel for the applicant drew my attention to para 4 of this O.M. stating that in case original service records are not available with the applicant, then the applicant can submit alternate documents as detailed in para 4(b) to satisfy the Head of the Office with regard to genuineness of the claim. The Learned Counsel for the applicant submitted that compliance with regard to submission of documents as per para 4 (b) has been already done. However, the Learned Counsel for the

respondents disputed this and stated that adequate documents have not been submitted to enable satisfaction of the Head of Office with regard to the claim of ex-gratia payment of the applicant.

4. Keeping in view the rival contentions, the O.A. is disposed of with the directions to the respondents to consider the claim of the applicant with regard to ex-gratia payment in terms of para 4(b) of the instructions laid down as per O.M. dated 13.06.1988. The applicant will furnish any further documents, if so desired by the respondents as provided for in para 4(b) of the O.M. dated 13.06.1988. The action will be taken within a period of four months from the date of receipt of a copy of this order. No order as to costs.

  
(D. S. BAWEJA)  
MEMBER (A).

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