

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 303/99

Date of Decision: 5.8.1999.

Smt. S.S. Mhatre

Applicant.

Shri D.M. Kulkarni

Advocate for
Applicant.

Versus

Union of India & 3 Others

Respondent(s)

Shri R.R. Shetty

Advocate for
Respondent(s)


CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri.

(1) To be referred to the Reporter or not? *no*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *no*


(R.G. VAIDYANATHA)
VICE CHAIRMAN

H.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
MUMBAI.

Original Application No.303/99

Thursday the 5th Day of August, 1999

Coram : Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman

Smt.Saraswati Shripat Mhatre,
residing at Room No.1, Shantaram
Mhatre Chawl, Subhash Road,
Chinchodichapada,
Vishnunagar, Dombivli (W),
Dist. Thane - 421 202.

.. Applicant.

Advocate by Shri D.M. Kulkarni.

V/s.

1. Union of India, through
General Manager,
Central Railway,
Mumbai CST.
2. Divisional Railway Manager,
Central Railway,
Mumbai.
3. Deputy Chief Mechanical Engineer,
Matunga Workshop,
Central Railway, Matunga,
Mumbai.
4. Asstt. Electrical Engineer,
(Sales), Thakurli Power House,
Central Railway,
Thakurli, Dist. Thane.

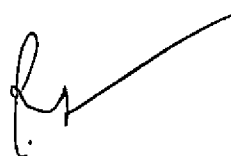
.. Respondents.

Advocate by Shri R.R. Shetty.

Order (Oral)

(Per : Justice R.G. Vaidyanatha, Vice Chairman)


This is an application filed by the applicant praying for family pension. The respondents have filed reply. I have heard learned Counsel for both the sides.



2. The applicant's case is that, her husband Shripat Mhatre was working as Hamarman (WS)(T.No.0070049-6) in Central Railway. He died on 13.8.1986. The applicant being a widow made number of representations for getting family pension or Ex-Gratia Pension but did not get any reply from the respondents and therefore she has approached this Tribunal praying for direction to the Respondents to pay her either family pension or Ex-Gratia Pension from the date of death of her husband and any other reliefs.

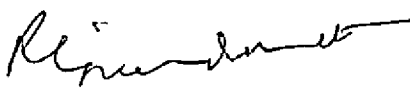
3. The Respondents in their reply have pointed out that the applicant is not entitled to the reliefs prayed for, since this is a case of removal from service after holding disciplinary enquiry for un-authorised absence. The Respondents have produced a copy of order dated 28.9.1981 of disciplinary authority imposing the penalty of removal from service against the applicant's husband. Therefore the request of the applicant to declare her husband as retired on superannuation from service cannot be granted and hence the applicant is not entitled for any pensionary benefits.

4. On hearing both the sides, the fact is that the applicant's husband has been removed from service as long back as in 28.9.1981. The applicant's claim for family pension or Ex-Gratia Pension is not maintainable. The question whether the applicant is entitled for family pension is left open in view of absence of proper provisions and further the administration has not yet considered that



question. I have gone through number of representations made by the applicant to the administration seeking for family pension or Ex-Gratia Pension as per rules. The administration should consider the applicants claim and decide whether the applicant is entitled for pensionary benefits and if so from what date. ^{if aggrieved} The applicant can ^{by the} challenge the same according to law. So far as, removal from service is concerned the applicant ^{is} is not aware of this order till the respondents filed their reply. It is open for the applicant, if permissible under law, to challenge the order of imposition of penalty ^{by the} ~~passed by the~~ Appellate Authority before the appropriate forum according to law.

5. In the result, the application is disposed of subject to the observations made above. M.P. No.464/99 filed on behalf of Respondent No.2 does not survive, since the OA is disposed of. There will be no order as to costs.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

H.