

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:386.99

THURSDAY the 7th day of OCTOBER 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyantha, Vice Chairman.

Smt. Shakuntala Janabai Mahadeo
Residing at Baby Agarwal Chawl,
Yashwant Nagar,
Talegaon Station, Pune.

...Applicant.

By Advocate Shri J.M.Tanpure.

V/s

1. Union of India Through
The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The Commandant
Central AFV Depot,
Khadki, Pune.
3. The Commandant
Ordnance Depot
Fort Allahabad.
4. The Commandant
Command Hospital,
Wanawadi, Pune.

...Respondents.

By Advocate Shri R.K.Shetty.

ORDER (ORAL)

{Per Shri Justice R.G.Vaidyanatha,Vice Chairman}

In this case the applicant is seeking a direction to the respondents to pay her the family pension or alternatively exgratia pension. The respondents have filed reply opposing the application. I have heard counsel for both sides.

2. The applicant, ^{is he} wife of Shri Mahadev Laxman Dhore who was working as Mazdoor in Central Vehicle Depot, Dehuroad Pune, respondent No.2. He was working prior to 1949 and due to an

accident in 1955 he was declared unfit for duty on medical ground and ultimately he died on 5.1.1964. The applicant is claiming family pension from date of death of her husband.

3. The respondents submit~~d~~ that the applicant is not entitled to family pension since her husband ^{was} ~~is~~ not in pensionar^{ble} service. However the respondents have stated exgratia pension will be considered as per Rules.

4. Though the learned counsel for the applicant argued for some time regarding the applicant's right for getting family pension later he submitted that he will not claim ~~for~~ family pension.

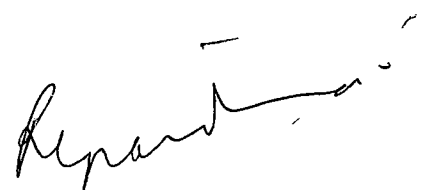
Further he pressed for the claim of exgratia pension as per O.M. dated 13.6.1988. The respondents have admitted this position in the written statement in para 2. They have stated that the applicant's claim will be considered for exgratia pension provided she fills up the required form and apply for the same as per rules.

5. In the light of the submission made there is no difficulty to grant applicant's prayer for exgratia pension.

6. In the result the OA is allowed partly ^{while} ~~by~~ rejecting the claim of the applicant for family pension. The respondents are directed to grant exgratia pension in pursuance of the O.M. dated 13.6.1988, subject to applicant giving proper application in proper form to respondent No.2. On such application being given by the applicant, respondent No.2 shall process the same and get

:3:

necessary sanction for exgratia pension. The respondents are directed to comply with the order within three months from the date the applicant signing the necessary form and submitting the same to the office of respondent No.2. No order as to costs.



(R.G.VAIDYANATHA)
VICE CHAIRMAN

NS