

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 70/99

DATE OF DECISION: 14.10.1999

Smt. Savitrabai Narayan Shelar Applicant.

Shri J.M.Tanpure Advocate for
Applicant.

Versus

Union of India and others Respondents.

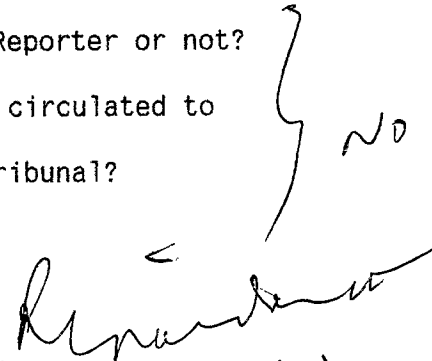
Shri R.K. Shetty. Advocate for
Respondent(s)

CORAM

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

Hon'ble Shri

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to
other Benches of the Tribunal?
- (3) Library.


(R.G. Vaidyanatha)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 70/99

THURSDAY the 14th day of OCTOBER 1999.

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

Smt. Savitrabai Narayan Shelar
Residing at Shelarwadi
Post Dehuroad,
Tal. Maval, Dist. 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 General Manager,
Ammunition Factory,
Khadki, Pune. Respondents.

By Advocate Shri R.K. Shetty.

ORDER(ORAL)

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

This is an application filed under Section 19 of the Administrative Tribunals Act 1985. I have heard counsel for both sides. The respondents have filed reply.

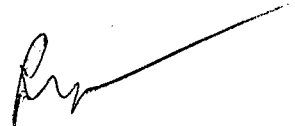
2. The applicant is stated to be the wife of Shri Narayan Bajaba Shelar, who was Mazdoor under the control of respondent No.2. Husband of the applicant came to be boarded out from service on medical grounds with effect from 27.5.1971. He died on 12.10.1993. The applicant claims that she is entitled either family pension or alternatively ex-gratia payment.



3. The respondents have taken the stand that the applicant is not entitled to family pension. However her request for ex-gratia payment can be considered and granted subject to her obtaining succession certificate to support her claim. The respondents have no knowledge of relationship of the applicant with the deceased employee.

4. Since the applicant's husband was a member of Contributory Provident Fund, the applicant could not claim for family Pension. The learned counsel for the applicant pressed for ex-gratia payment as per Government of India order dated 13.6.1988, which provides grant of ex-gratia payment even to the families of deceased Civilian employees. Therefore there is no dispute that a widow of Civilian employee is entitled to ex-gratia payment.

5. The only objection taken by the respondents is that regarding the relationship of the applicant with the deceased employee. In Government of India order dated 13.6.1988 in para 4 it is mentioned that the claim should be entertained and granted by the department in terms of succession certificate or other modes like some documents to show relationship of the widow who is claiming ex-gratia payment. It is also depends upon the facts and circumstances of the case. Ultimately the applicant has proved to the satisfaction of the competent authority that she is the wife of the deceased employee.



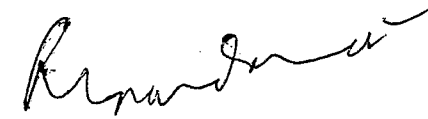
6. The applicant has produced before the Tribunal the two important documents, the extract of certified copy of voters list which shows that she is the wife of Narayan Shelar. She has also she produced the extract of ration card. Now at the time of argument tenders the original ration card which shows the head of the family as Narayan Bajaba Shelar, wife is Savitrabai Narayan Shelar who is none other than the applicant. The ration card is prior to 1992. Then the applicant tenders the Identity card issued by the Election Commission which was issued in 1994, there also the applicant is shown as wife of Narayan Shelar.

4) All the above documents clearly shows thar applicant is the wife of Narayan Shelar. Though I am satisfied that these documents are sufficient to show that Savitrabai Narayan Shelar is wife of Narayan Shelar, still in ordedr to avoid any chance of false claim, I feel that one more direction can be given to the applicant before the amount is paid. In case any other person successfully approves that she is wife of deceased Narayan Shelar then the applicant has to refund the amount to Government. She must execute an Indemnity Bond with one surety, who should be Government employee or he must own immovable property.

7. In the result the OA is allowed. The applicant is entitled to ex-gratia payment from the date of death of her husband Shri Narayan Shelar i.e. 12.10.1993 till her life time or till she re-marries subject to production of document in terms and condition mentioned above. The applicant also should sign the necessary forms and submit the same to respondent No.2 for

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ex-gratia payment. The respondents should comply with the order within four months from the date of receipt of proper claim from the applicant in the prescribed proforma. In the circumstances of the case there will be no order as to costs.



(R.G. VAIDYANATHA).
VICE CHAIRMAN

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