

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 493 of 2000.

Dated this Friday, the 23rd day of March, 2001.

Shri R. Vasudevan Pillai, Applicant.

Shri S. S. Karkera, Advocate for the applicant.

VERSUS

Union of India & Another, Respondents.

Shri R. R. Shetty, Advocate for Respondents.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

(i) To be referred to the Reporter or not ? No  
(ii) Whether it needs to be circulated to other Benches of the Tribunal ? No  
(iii) Library. Yes.

B. N. BAHADUR.  
MEMBER (A)

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ORIGINAL APPLICATION NO.: 493 of 2000.

Dated this Friday, the 23rd day of March, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

R. Vasudevan Pillai,  
Ex-Assistant Programmer of  
Central Railway.

Residing at :  
"Homeland" Mariyathuruthu,  
At & Post, Mariyathuruthu,  
Kottayam Pin - 686 027.

Kerala State ... Applicant

(By Advocate Shri S. S. Karkera)

VERSUS

1. Union of India through  
The General Manager,  
Central Railway, C.S.T.,  
Mumbai - 400 001.

2. The Divisional Personal  
Officer (Administration),  
G.M. Admin, Statistical  
Section, Central Railway,  
C.S.T., Mumbai - 400 001. ...

Respondents

(By Advocate Shri R. R. Shetty)

ORDER (ORAL)

PER : Shri B. N. Bahadur, Member (A).

This is an application made by Shri R. Vasudevan Pillai, who retired as Assistant Programmer in the Central Railway and who comes up to this Tribunal seeking the relief, in substance, that his resignation be treated

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as retirement and that a direction be made to the Respondents to grant him ex-gratia payment from the date of implementation of the orders.

2. The facts of the case in brief are that the Applicant joined service of the Railways on 10.01.1948 and after a career spanning nearly 26 years, resigned with effect from 31.03.1974. Thus, he had put in a service of 26 years and a few days. The Applicant quotes various orders as also his career graph and seeks the relief as mentioned above. Certain letters and instructions are depended upon as grounds for seeking these reliefs.

3. The Respondents have filed a Written Statement in reply, where the relevant orders are quoted and described. It is stated that the most important criteria for a person to be eligible for the benefit of ex-gratia payment is that he/she should have put in a minimum of ~~thirty~~ <sup>1/2</sup> ~~twenty~~ years prior to superannuation and that the present Applicant had not superannuated but had resigned. It is stated that the application is devoid of merits and deserves to be dismissed. Other details of the stand taken and the Government instructions are described.

4. I have heard the Learned Counsel on both sides, Shri S. S. Karkera for the Applicant and Shri R. R. Shetty for the Respondents and have perused the papers in the case.

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Importantly, the judgements of this Bench of the Tribunal produced before me have also been perused and gone through.

5. The issue before us is no longer res integra and has been covered by a number of judgements and those made by this Bench of the Tribunal that are before me are as follows :

- (i) Order in O.A. No. 633/93 dated 07.03.2000.
- (ii) Order in O.A. No. 809/99 dated 24.12.1999.
- (iii) Order in O.A. No. 28/99 dated 29.06.2000.

The above judgements were cited by the Counsel for Respondents.

6. It is clear from the three judgements cited above that the case of the Applicant cannot be allowed. In the first place, the Applicant does not have thirty years of service, in which case we could have provided the benefits perhaps by directing that the resignation be considered as retirement. Now since it is a case where the service put in before resignation is 26 years and a few days, the judgements made in the aforesaid three cases would apply. Since reasonings have been given in detail in the said judgements, I do not find it necessary to repeat them. I must however carefully consider the point made by the Learned Counsel for Applicant seeking benefits on the basis of the judgement made in O.A. No. 671/99. The point made by him was that, in this case, twenty years of service

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was deemed to be adequate. However, as pointed out by the Learned Counsel for Respondents, Shri R. R. Shetty, this benefit has been given specifically in view of the provisions made vide O.M. dated 13.06.1988. I have even called the case papers in O.A. No. 671/99 to be able to go through the aforesaid O.M. dated 13.06.1988 (Annexure A-10 in that O.A.). I have also seen the O.M. at exhibit R-1 in that O.A. It is clear that the judgement in Smt. S. P. Padave's case was given in view of specific provisions made available to the widows/families of the deceased C.P.F. optees.

7. In view of the above facts and circumstances of the case law, the Applicant is not entitled to the relief. Hence, the application is hereby dismissed with no order as to costs.

Bahadur

(B. N. BAHADUR)  
MEMBER (A).

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