

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.No.131/2001

Dated this Thursday the 3rd Day of January, 2002.

Hon'ble Shri Justice B.N. Singh Neelam, Vice Chairman.

Smt.Kalabai Digambar Bari,
R/at. Gandhinagar,
Dehuroad, Pune-421 101.

.. Applicant.

(By Advocate Shri J.M. Tanpure)

Versus

1. Union of India,
through the Commandant,
Ordnance Depot, Fort,
Allahabad.

.. Respondent.

(By Advocate Shri R.R. Shetty).

ORDER (Oral)

{ Per : Justice B.N. Singh Neelam, Vice Chairman }

The matter is being listed today for hearing on admission. Learned Counsel for the applicant and respondents are present. After hearing both the side lawyers also after going through the contents of the O.A. and written statement so filed on behalf of the respondents, I hold the view that this matter can well be disposed of at this stage itself while hearing on the point of admission and in that light the lawyers concerned are heard at length.

2. The case of the applicant in short is that her husband viz. Digambar V. Bari was working as Mazdoor in the Central Vehicle Depot, Dehu Road was discharged on 26.3.1967 due to retrenchment and subsequently the

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applicant's husband died on 21.1.1994. During the course of his service the applicant was a C.P.F. Member. The applicant subsequently thus claimed for only for grant of ex-gratia payment, a copy of which is filed and marked as Exhibit A2. The respondents on the other hand pleaded that the applicant has shown inability to produce the discharge certificate and original receipt of IOFWP so called for which will be so apparent particularly by going through the contents of Annexure A4. But as per the applicant rule 4 (B) of CCS (Pension) Rules, 1972 has given alternative remedy, she complied with the alternative remedy so given as incorporated thereunder to satisfy the respondents for her entitlement for getting ex-gratia payment by filing affidavit sworn before the Magistrate. Be that as it may the same rather be considered by the respondents for passing necessary order for granting ex-gratia payment. For grant of Ex-gratia payment to the family of deceased CPF retirees vide Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Dept. of Pension and PW) O.M.No.4/1/87-P & PW (PIC) dated 13.6.1988 is also referred. But instead of considering the same all through the respondents side were hammering for producing of original discharge certificate and IOFWP slip. It has been submitted on behalf of the applicant that even in their written statement the respondents have accepted with regard to consideration of grant of ex-gratia payment but the

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document so filed are not looked into which has Counsel prejudice to the applicant and the said document rather in the background of the facts and circumstances detailed above are sufficient as to satisfy the respondents however the inaction of respondents had left no alternative before the applicant but to seek remedy by filing this O.A. before this Bench. In that light prayer is to direct the respondents concerned as to look into the matter i.e. affidavit in this concerned so made available and consider to make payment the ex-gratia at the earliest, the non payment of which is putting hardship and great prejudice to the applicant.

3. On behalf of the respondents Mr. Shetty has submitted that the provisions of Rule 4(B) is also to be read with provisions of Rule 4(C) of the CCS (Pension) Rules, 1972 and thus it is the satisfaction of the respondents which will be making the lady entitled for grant of ex-gratia payment.

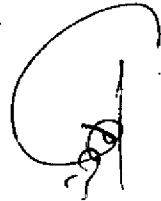
4. Be that as it may, by going through the record and annexures so filed wherein on behalf of the parties it transpires that at no occasion the respondents had taken notice of the affidavit sworn before a Magistrate.

5. Taking into consideration of the above this O.A. so filed stands disposed of with a direction to the respondents as to consider the affidavit sworn before a

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Magistrate so filed and consider her case for entitlement of grant of ex-gratia payment and after considering the same if found satisfied pass necessary order for such payment at an early date. This exercise in the hands of the respondents be completed within two months time from the date of receipt of this order.



(B.N. Singh Neelam)
Vice Chairman.

H.

order/Judgment despatched
to Applicant/Respondent (s)
on 31/1/02
7/2/02

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