

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 826/2001

Date of Decision : 24th September 2002

Smt.A.S.Vaidya

Applicant

Shri S.S.Karkera

Advocate for the
Applicant.

VERSUS

Union of India & Ors.

Respondents

Shri R.R.Shetty for
Shri R.K.Shetty

Advocate for the
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

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

S.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.826/2001

Dated this the 24th day of September 2002.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Smt.Arati S.Vaidya,
Widow of late S.S.Vaidya,
R/at 241 Shukrawar Peth,
Pune.

...Applicant

By Advocate Shri S.S.Karkera

vs.

1. Union of India
through Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. The Director General,
Research and Development,
Directorate of Personnel
(RD Pers.10), Ministry of
Defence, DHQ PO,
New Delhi.

3. The Director,
High Energy Materials
Research Lab,
Armament Post Sutarwadi,
Pune.

4. Medical Administrator
KEM Hospital,
Sardar Moodliar Road,
Rastha Peth,
Pune.

...Respondents

By Advocate Shri R.R.Shetty
for Shri R.K.Shetty for
Respondents No.1 to 3.

P.R.Shetty

..2/-

O R D E R

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for the declaration that the applicant is entitled to the compensation amounting to Rs.38.40 lacs for the death caused to her husband after adjusting the Family Pension out of the aforesaid amount, And/or Exgratia lump sum compensation under Extra Ordinary C.C.S.Pension Rules.

2. At the commencement of the hearing the learned counsel for the applicant stated that he is not praying the relief for compensation amounting to Rs.38.40 lacs and reserves the same for being agitated before the competent Court of Jurisdiction. He further stated that he is pressing only the relief of Exgratia lump-sum compensation under Extra Ordinary C.C.S.Pension Rules.

3. Para 1 of the OA. which deals with Particulars of Orders against which application is made reads as under :-

" The Applicant in the present application is not challenging any particular order but challenging the action of the Respondents in not granting the compensation for the death caused due to exposure of dangerous and hazardous chemicals due to which the Applicant's husband had expired on 23.11.1999 while in service in the Laboratory of the Respondent No.3."

Page ...3

4. The perusal of the facts and the grounds raised in pleadings by the applicant as well as respondents, the irresistible conclusion is that even inspite of representation dated 23.8.2001 for compensation, the respondents failed to reply. The applicant has filed this OA. on 29.10.2001 before six months of representing for the same.

5. Both the parties argued the case on merits. Without going into merits of the claim, it is worth mentioning that Liberalised Scheme of Payment of Exgratia lump-sum compensation to families of Central Government Civilian employees who die in harness C.G.I. Dept. of Pension & P.W. O.M.No.45/55/97-P & PW (C) dated 11th September, 1998 read with Department of Pension & Pensioners' Welfare O.M.No.45/55/97-P & P.W.(C) dated 11th September, 1998 - conditions governing the payment of exgratia lump sum compensation and guidelines to be observed - as per condition 2 Powers having been delegated to the Administrative Ministry to sanction ex-gratia payments under these Rules. The representation dated 23.8.2001 is addressed to the Director General, Research & Development, Directorate of Personnel (R.D. Para 10) Research & Development Organisation, Ministry of Defence DHQ New Delhi.

Sumit

..4/-

6. As the OA. is filed before six months of the representation made on 23.8.2001, there are no extra ordinary ground to admit the OA. The ground is inaction of the respondents. Hence, OA. deserves to be considered on merits, as the applicant can not be said to be aggrieved person so far. Further, before expiry of six months, she approached the Tribunal.

7. The OA. is disposed of with the direction to Respondent No.1 to decide the representation (dated 23.8.2001 Annexure-'Ex.L' OA.page 38) within a period of six months from the date of receipt of copy of the order along with the representation dated 23.8.2001. The applicant shall be at liberty to send the representation dated 23.8.2001 along with the copy of the order to Respondent No.1 and may add the documents which she feels necessary for the decision of the same. If any grievance still subsist, the applicant is at liberty to challenge the same as per law. No order as to costs.


(S.L.JAIN)

MEMBER (J)

mrj.