

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 451/90

Transfer Application No:

DATE OF DECISION: 28.12.94

Smt. Sumati Sabaji Sawant Petitioner

Advocate for the Petitioners

Versus

Union of India and Anr. Respondent

Shri J.G. Sawant. Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

The Hon'ble Shri M.R. Kolhatkar, Member (A)

1. To be referred to the Reporter or not ? NO
2. Whether it needs to be circulated to other Benches of the Tribunal ? NO

  
(M.S. Deshpande)  
Vice Chairman

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 451/90

Smt. Sumati Sabaji Sawant

... Applicant.

V/s.

Union of India through  
General Manager  
Central Railway  
Bombay V.T.

Chief Works Shop Manager  
Matunga Works Shop,  
Central Railway  
Bombay.

... Respondents.

CORAM: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman.

Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance

None for the applicant

Shri J.G. Sawant, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 28.12.94

¶ Per Shri M.S. Deshpande, Vice Chairman¶

The applicant has prayed for family pension in pursuance of Railway Board's letters dated 7.10.70, 16.7.71 and 19.9.72 under which the benefit of family pension is to be paid to the family of the employees who had retained the Contributory Provident Fund benefits and who are either killed or died as a result of injuries sustained in the due performance of their duties or died in harness. According to the applicant, her husband died of head injuries which he sustained while he was on duty.

The learned counsel for the respondents have filed death certificate at exhibit R-1 which shows that the husband of the applicant Sabaji Ladu Sawant died on 31.10.67 because of Tetanus following injury. The contention of the respondents is that applicant

has not produced any documents to show that the applicant had sustained head injuries while he was on duty. On the contrary, the applicant had applied in 1987 for ex-gratia payment. The applicant was granted ex-gratia payment vide order dated 6.12.88.

We have no material before us to show that the applicant's ~~husband~~ died of head injuries sustained in the due performance of duty, while he was in service. It is also noted that the applicant had applied for ex-gratia payment and the same has been sanctioned which shows that the present application is of an after thought. The O.A. is therefore, rejected.

M.R. Kolhatkar

(M.R. Kolhatkar)  
Member (A)

M.S. Deshpande

(M.S. Deshpande)  
Vice Chairman

NS