

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 570/90

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DATE OF DECISION 20.11.1990

Mrs. Alice Mascarenas Petitioner

Shri G.S.Walia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri Subodh Joshi Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y.Priolkar, Member (A)

The Hon'ble Mr. N. Dharmadan, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

N
(N.Dharmadan)
Member(J)

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
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Original Application No.570/90

Mrs. Alice Mascarenas ... Applicant

V/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (A), Shri M.Y.Priolkar
Hon'ble Member (J), Shri N.Dharmadan

Appearances:

Shri G.S.Walia, Advocate,
for the applicant and
Shri Subodh Joshi, Advocate,
for the respondents.

ORAL JUDGEMENT:

Dated : 20 November 1990

{Per. N.Dharmadan, Member (J)}

The limited prayer in this application is to issue a direction to the respondents to sanction the ex-tratia pension to the applicant and direct the respondents to remit the same through money order in the following address:

C/o. The Mother Superior,
"Home for the Aged",
Mahakali Caves Road, Andheri,
Bombay 400 093.

The respondents have filed a written statement in which they have admitted that the applicant is entitled to ex-gratia payment claimed by the applicant with effect from 1.1.1986. There is no dispute regarding the liability of the respondents.

2. The learned counsel for the applicant brought to our notice the relevant rules entitling her to get the pension payment through postal money order at the Government cost. It reads as follows:


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"In the case of drawal of ex-gratia payment through disbursing offices other than public sector banks, the facility of remittance by postal money order at Government cost shall also be available."


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3. Since there is no dispute regarding the liability by the respondents to make the pension payment they are bound to make the payment in accordance with the law. The learned counsel for the respondents ^{who} appeared before us today ^{that} ~~he~~ did not produce any rule other than the one referred to above.

4. In the facts and circumstances of the case we are of the view that the respondents are bound to make the pension payment in accordance with the request made by the applicant in terms of the ~~af~~oresaid rule. Hence we direct the respondents to make the ex-gratia payment legally due to the applicant by postal money order in accordance with the rule referred to above from January 1991 onwards.

5. The application is disposed of ^{as above. There will be} ~~with~~ no order as to costs.


(N. Dharmadan) 20.11.90
Member (J)


(M.Y. Priolkar)
Member (J)