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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 813/91

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~~XXXXXXXX~~

DATE OF DECISION 20.7.1992

Smt. L.B. Vibhande

Petitioner

Shri P. Sunderrajan

Advocate for the Petitioners

Versus

Union of India & Another

Respondent

Shri P.R. Pai

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. T.C. REDDY, MEMBER (J).

The Hon'ble Mr.

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

T. S. N.
Member (J).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

O.A.813/91.

Smt. L.B. Vibhande,
R/o. Khambale, Tal. Igatpuri,
Dist. Nashik.

.. Applicant.

Vs.

1. The Union of India, Repby.
The Secretary, Ministry of
Railways, Govt. of India,
New Delhi - 110 001.

2. The General Manager,
Central Railways,
V.T. Station,
Bombay.

.. Respondents.

Coram : Hon'ble Shri T.C. Reddy, Member (J).

Appearances:

Shri P. Sunderrajan, Adv.
for the applicant.

Shri P.R. Pai, Counsel
for the Respondents.

ORAL JUDGMENT :

Dated : 20-7-1992.

{ Per : Shri T.C. Reddy, Member (J) }

This application is filed on behalf of the applicant under Section 19 of the Administrative Tribunals Act to grant family pension to the applicant (ex gratia payment) with interest at 4% per annum and for certain other reliefs.

2. The applicant claims to be the legally wedded wife of one Balaji Ganpat Vibhande. According to the applicant her husband Balaji Ganpat Vibhande was in the employment under second respondent who is General Manager, Central Railway, Bombay V.T., as 'B' Grade Guard Cabinman.

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The said Balaji Ganpat Vibhande retired on 26.6.1962. He died on 3.4.1974. The present application is filed by the applicant for the reliefs as already indicated above. As the applicant is said to be not sound mentally one Madhav Nathuseth Thorat had filed petition under Section 71 of the Indian Lunacy Act 1912 in the District Court, Nasik and got appointed ^{himself} as guardian of the applicant herein Smt. Lilabai Balaji Vibhande. It is said that Shri Madhav Nathuseth Thorat is prosecuting this O.A. on behalf of the applicant Smt. Leelabai Balaji Vibhande.

3. Counter is filed by the respondent opposing the O.A.

4. There is absolutely no proof to show that the applicant Smt. Leelabai Vibhande is the legally wedded wife of the said Balaji Gopal Vibhande. We have also no material before us ^{to} show that the said B.G. Vibhande was the employee of the second respondent. In view of this position we are of the opinion that the interests of justice would be better served by disposing of this O.A. by giving proper directions to the respondent.

5. Hence we direct the applicant to make a representation to the respondent for ex-gratia payment within one week from the date of communication of this order. As and when the said representation is made the respondent shall receive the same. The applicant will be at liberty to produce before the respondents material to show that the applicant is the legally wedded wife of the said Balaji Gopal Vibhande and the said Vibhande was in the employment of the second respondent i.e. General Manager, Central Railway, Bombay V.T. The respondents shall

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dispose of the said representation by passing final orders within three months from the date of communication of this order. If the Applicant is aggrieved by the final orders passed by the respondent, the applicant would be at liberty to approach this Tribunal afresh in accordance with law.

We also direct the respondents to cause search in their offices ^{and} to make best efforts to trace the file of ^{the} said Vibhande who is said to be employee of the second

respondent. The respondent shall take into consideration before final orders are passed the material in the said file if the said file is traced. The parties shall bear their own costs in this O.A.

7. Chandrasekhara Reddy
(T. Chandrasekhara Reddy)
Member (J).