

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-56.

Dated: 1 MAR 1994

APPLICATION NO(s) 721 of 1993.

APPLICANTS: Smt. Madamma RESPONDENTS: General Manager,
Southern Railway, Madras & Others.

TO.

1. Sri M. S. Anandaramu, Advocate, 27, 1st Main Road,
Chandrashekar Complex, Sandhinagar Bangalore-9.
2. General Manager, Southern Railway, Park Town, Madras
3. Works Manager, Central Workshop, Southern Railway,
Mysore South, Mysore.
4. Dy. Chief Mechanical Engineer (Workshop),
Southern Railway, Mysore South, Mysore.
5. Smt. M. V. Nirmala, Advocate, 53, N. S. Iyengar Street
Seshadripuram, Bangalore-560020.
6. Smt. Madamma w/o late S. Yellappa,
No. 1639/2, Rama Iyer Street, 8th Cross,
Ashokapuram, Mysore-570008.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-XXX-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 11-03-94.

Issued

21/3/94

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No. 721/93.

FRIDAY, THIS THE 11TH DAY OF MARCH, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

Smt. Madamma,
W/o late S. Yellappa,
major, residing at No. 1639/2,
Ramaiyer Street, Bth Cross,
Ashokpuram, Mysore - 570 008. ... Applicant

(By Advocate Shri M.S. Anandaramu)

Vs.

1. The General Manager,
Southern Railway,
Park Town, MADRAS.
2. The Works Manager,
Central Workshop,
Southern Railway,
Mysore South, MYSORE.
3. The Dy. Chief Mechanical Engineer,
Workshop, Southern Railway,
Mysore South, MYSORE. ... Respondents

(By Advocate Smt. M.V. Nirmala)
Standing Counsel for Railways.

ORDER

In the absence of the learned counsel, I have heard the applicant Madamma, an old widow. Her husband was one Yellappa who after rendering service of 25 years in the Boiler Shop of Southern Railway, Mysore, Region is said to have resigned his position with effect from 19.10.1965 although the applicant claims that he had not resigned but had taken voluntary retirement.

2. Be that as it may, whether it is voluntary retirement or resignation, he admittedly lived till the year 1985 and admittedly died on 16.4.1985. I am told by the Railway Administration that the applicant's husband did not take voluntary retirement but he



actually resigned and to that effect there is also a certificate produced curiously by the applicant herself at Annexure-'A'. It says that the man had resigned on 19.10.1965. After almost 28 years later, his widow Madamma who is now before me, herself frail and a very old lady has made this application claiming some kind of pensionary benefits from the Railway Administration which even entered a firm demurring stating that the applicant's husband had resigned his position voluntarily in 1965 and the same having become effective at that time, he was thereby not eligible for any pensionary benefits and consequently, long after his death his widow could not possibly ask for pensionary benefits. I am told that no provision is made for such cases in the retirement schemes of the Railways.

3. While it does seem to me to be somewhat cruel to deny some relief to this old lady frail with age that has also taken a toll of her physical energies disabling her totally from claiming some kind of livelihood by her own personal exertions, but the law itself not making any room or provision for taking care of the destitute widow of an deceased employee of the Railways.

4. When asked why her husband gave up his position in the Railways, the lady told me he could not continue to work after he was felled by a paralytic stroke for which of-course right now she does not have any proof or material. However, there is no getting away from the position that the applicant's husband had ceased to be an employee of the Railways and he died after an interval of 20 years from the date on which he ceased to be an employee.

5. During his life time, there was no claim by him for any kind of benefits and I am told by the learned standing counsel that

whatever was due to the employee when he resigned his job was handed over to him that time. That is the reason why the man himself appears to have laid off without making any demand but his widow has taken up this raproach nearly three decades later in the fond hope of getting some pensionary benefits.

6. While the position herein certainly appears to be a stalemate, I do think that in a Welfare State in which it becomes the duty of the Govt. to take care of the aged and particularly widows and for any such support by the Govt. there cannot be anyone other than the applicant to be more deserving of Govt.'s bounty or generosity. I, therefore, think it appropriate to ask the Railways or whoever is responsible in the Railway Administration to consider paying some kind of an Ex-gratia pensionary benefits to the applicant, however meagre it may be, in whatever manner, making it either periodically or once and for all. However, I make it clear that this is merely a communication addressed to the Railway Administration for taking pity on the helpless and aged widow so that she may make sure the residue of her life with some little comfort with the money paid to her by the Railway Administration. It is only with this hope, I am giving not adirection but also a commendation to the Railway Administration in that behalf.

7. With this observation, I dispose off this application. Let a copy of this order be sent to all concerned authorities in the Railway Administration for such action as they deem fit.



TRUE COPY

P. K. Shyam Sundar
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN