

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 162/93.

199

~~1993/93~~

DATE OF DECISION 19-10-93

Smt. R.K. Jagdale

Petitioner

Shri J.M. Tanpure

Advocate for the Petitioners

Versus

Union of India & Another

Respondent

Shri R.K. Shetty

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mrs. LAKSHMI SWAMINATHAN, MEMBER (JUDICIAL).

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? yes
2. To be referred to the Reporter or not ?
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 ?

*Lakshmi Swaminathan*  
( Mrs. Lakshmi Swaminathan )  
Member (Judicial).

mbm\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY.

O.A.162/93.

Smt. Radhabai Kisan Jagadale,  
R/o.1032, Budhwar Peth, Talegaon  
Dabhade, Tal. Maval, Dist. Pune.

.. Applicant.

Vs.

1. Union of India, through  
The Secretary, Ministry  
of Defence, South Block  
New Delhi - 11 00 01.
2. The Commandant,  
Ordnance Depot Talegaon Dabhade,  
Tal. Maval, Dist. Pune.

.. Respondents.

Coram : Hon'ble Mrs. Lakshmi Swaminathan, Member (Judl.)

Appearances:

1. Shri J.M. Tanpure, Counsel  
for the applicant.
2. Shri R.K. Shetty, Counsel  
for the Respondents.

JUDGMENT :

Dated : 19.10.1993.

Heard Both Counsels.

2. This application has been filed by the applicant Smt. Radhabai Kisan Jagadale under section 19 of the Administrative Tribunals Act, 1985. The applicant has claimed that she being the widow of late Shri Kisan Maruti Jagadale, is entitled for family pension/ex-gratia payment and other pensionary benefits on the ground that her late husband Shri Kisan Maruti Jagadale was an employee in the office of the Respondent No.2.

3. The applicant had submitted a representations dt. 15.10.1990 and 23.9.1991 regarding payment of amounts family pension and ex-gratia to her by Respondent No.2. These had been rejected on the ground, inter alia that

sufficient documentary evidence has not been produced by the applicant with regard to the employment of her late husband with the respondents. By his application she has therefore sought a declaration that she is entitled for the family pension and other pensionary benefits.

4. Learned Counsel for the Respondents has opposed this application on the grounds of laches and delay since the application has been filed after 18 years of the alleged death of Shri Kisan Maruti Jagadale and that they have not been able to trace any documentary evidence regarding the employment of alleged husband of the applicant, viz. Shri Kisan Maruti Jagadale in their depot. The applicant has relied on 2 affidavits filed by S/Shri Kondiba Tukaram Mandale and Dattatraya Narayan Belhe. In these affidavits it has been stated, inter alia, that these persons knew Shri Kisan Maruti Jagadale who was serving with them in the Ordnance Depot, Talegaon Dabhade and that Shri Kisan Maruti Jagadale was working in Security Section in Khaki Uniform. The learned Counsel for the applicant therefore contended that in terms of paragraph 4(b) of the Ministry of Personnel, Public Grievances and Pension O.M.4/1/87-P and PW(PCI) dtd. 13.6.1988, he has fully satisfied the conditions for payment of the pensionary benefits to the widow of Shri Kisan Maruti Jagadale. The applicant has stated that her husband Shri Kisan Maruti Jagadale was employed as an E.T.E. (Extra Temporary Employee) and was allotted T.No.1835 and was given duty of Naik Fireman from 1947. She has also filed another card showing ticket No.1614 in the name of Kisan Maruti given by the Head Time Keeper Sub-Depot dt. 15.6.1947. The respondents in their reply have stated that the card purported to have

been issued by the then Head Time Keeper of 'C' Sub Depot indicates the name of Shri Kisan Maruti Jagadale (not Jagadale) as a Fireman under T.No.1835 as on 15.6.1947. They have also stated that they do not have any documents concerning the employment of late Shri Kisan Maruti Jagadale on the basis of which the applicant has claimed pensionary benefits as his widow. The applicant has sought to explain the difference in the names given in the T.No.1835 of Shri Kisan Maruti Jagadale, to mean as Kisan Maruti Jagadale on the ground that there was a clerical error. I<sup>am</sup> unable to accept the explanation.

5. No satisfactory explanation was also forthcoming from the applicant as to how the alleged Shri Kisan Maruti Jagadale could be issued with two tickets Nos. viz. 1614 and 1835 by the Head Time Keeper 'C' Sub Depot on the same date giving different designations to the concerned person.

6. With regard to the occupation of the alleged husband of the applicant Shri Kisan Maruti Jagadale, as given in the two affidavits produced by her it refers to him as a Security man in Khaki Uniform whereas in the card produced by her to the authorities viz. T.No. 1835 he has been referred to as a Fireman. Apart from this inconsistency, there is also no evidence to show as to when and in what circumstances the said Shri Kisan Maruti Jagadale retired from the depot, from any of the records. Applicant has therefore not given satisfactory evidence to show that her alleged husband, Shri Kisan Maruti Jagadale, retired from service of the respondents so as to entitle her to the pensionary benefits.

88

9

7. In the facts and circumstances of the case I do not find any infirmity <sup>in</sup> by the action taken by the respondents. There is no merit in the application. The application is dismissed. There shall be no order as to the costs.

*Lakshmi Swaminathan*  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER (JUDL.)

H.