

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 240/93

~~Transferred Application No:~~

DATE OF DECISION: 7.9.94

Smt. Monica Kisan Salve Petitioner

Advocate for the Petitioners

Versus

Union of India through Respondent
The Divisional Railway Manager
Western Railway, Bombay.

Shri N.K. Srinivasan Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Shri

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?

M.R.Kolhatkar
(M.R.Kolhatkar)
Member (A)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(8)

Original Application No. 240/93

Smt. Monica Kisan Salve

... Applicant

V/s.

Union of India through
The Divisional Railway
Manager,
Western Railway,
Bombay Division
Mandal Karyalaya
Bombay Central, Bombay.

... Respondent.

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

Appearance:

None for the applicant.

Shri N.K. Srinivasan,
counsel for the respondents.

ORAL JUDGEMENT

Dated: 7.9.94

(Per Shri M.R.Kolhatkar, Member (A))

On 22.7.94 the applicant was not present. However the matter was adjourned in the interest of justice. As it relates to the claim of the widow for Provident Fund dues of her deceased husband, who was a Railway employee and for Family Pension, we are disposing of the matter on merit today.

2. We have gone through the pleadings and heard Shri Srinivasan. The facts are that the late husband of the applicant was working as Gangman and was removed from service for un-authorised absence by order dated 28.12.82. What happened in the intervening period is not clear, but the husband of the applicant had died on 15.10.88 as per the death certificate at page 8 of the application. The claim of the applicant is that she should be given all dues of her late husband, DCRG, and P.F. with 18% interest and also the Family Pension from 15.10.88..

This application has been rejected by the respondents firstly on the ground that the O.A. is barred by time, Secondly late husband of the applicant was removed from service and was not therefore entitled to pension and the wife is also not entitled to Family Pension. and thirdly, so far as the payment of Provident Fund is concerned, the same could not be arranged for want of requisite documents like death certificate and other declaration in the prescribed form. It is further stated that the applicant can make an application for compassionate appointment and the family pension as per rules. We note that the applicant had filed representations on 25.2.89 and on 19.7.89 and further on 15.11.92 the applicant was trying to settle her claim through Pension Adalat. The matter could not be settled by the Pension Adalat because the late husband of the applicant had not put in the requisite length of qualifying service. It is further stated that as directed by the Tribunal earlier, an Inspector was sent to the applicant's residence but the applicant refused to fill the forms. The claim for receiving the Provident Fund could not be considered in the normal manner because no nomination form was filed.

3. In the light of the above facts, we dispose of the O.A. by passing the following order.

ORDER

The respondents are directed to make the payment of retirement dues of the applicant including Provident Fund dues standing to the credit of the late husband of the applicant. The Provident

Fund dues are payable within two months of ^{the date of} ~~the 15~~ ¹⁶ ~~16~~ a
are falling due. In this particular case, however
the absence of nomination form has created some
difficulty. We direct that the Provident Fund
dues should be paid with interest which is normally
permissible on the Provident Fund of the Railway
employees from 15.2.89 when the applicant had first
approached the Railways, within three months from
the date of receipt of the order.

So far as the appointment on compassionate
grounds is concerned, the applicant is at liberty
to file an application within one month of the
communication of the order. After the receipt of such
application the respondents are directed to decide
the same as per rules within two months. No order
as to costs.

M.R.Kolhatkar

(M.R.Kolhatkar)
Member (A)

NS