

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, GULESTAN BUILDING NO. 6,  
PRESCOT ROAD, BOMBAY-1

CIRCUIT SITTING AT NAGPUR

O.A.NO. 640/94

Smt. T.K. Kasturie W/O. K.D. Kasturie,  
Labour 'B', Fuse Shop,  
Ordnance Factory,  
Ambazari, Nagpur

..Applicant

V/s.

Union of India through  
Secretary, Ministry of Defence  
New Delhi & 2 ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

ORAL JUDGMENT:  
(Per: M.S. Deshpande, Vice Chairman)

DATED: 19.09.1995

By this application the applicant seeks a direction to the respondents to revise and fix the family pension with effect from 3.6.87 and for granting such arrears as may be entitled to upon refixation of family pension.

2. The nine applicants who originally filed the Application are the widows of the ex-employees of the Ordnance Factory, Nagpur. By the order dated 13.7.94 the present O.A. was restricted only to the claim of the first applicant with liberty to the other applicants to prefer separate applications, if they are so inclined.

3. The husband of the first applicant died on 22.2.82 in an accident and she was employed on compassionate grounds in place of her husband by the Ordnance Factory on 8.7.83. According to the applicant rates of family pension came to be revised and <sup>she</sup> would be entitled to claim Rs.375/- per month instead of Rs.150/- p.m. as family pension which she is being paid. The respondents case is that the applicant's husband was a contributor to the Contributory Provident Fund and had not applied for coming over to the Pension Scheme and the applicant therefore would not be entitled to the enhanced pension. Clause (d) of Rule 2 of C.C.S. (Pension) Rules <sup>applying</sup> ~~exclusively~~ excludes amongst other categories, the persons entitled to the benefits of a Contributory Provident Fund and it is therefore clear that the applicant would not be entitled to the enhanced pension which is to be given only to those <sup>covered</sup> ~~given~~ under the Pension Scheme. Since the pensioners are entitled for an Ex-gratia

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payment of Rs.150/- it is payable to her under the orders of the Government.

4. There was no appearance for the applicant at the time of hearing and only Mr. M.G. Bhangade, counsel for the Respondents was heard.

5. In view of what I have stated above there is no merit in the application, it is dismissed. There would be no order as to costs.

Pls. see

(M.S. Deshpande)  
Vice Chairman