

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 536/94

Transfer Application No:

DATE OF DECISION: 30.11.1994

Smt. Gangubai Narayan Palkar. Petitioner

Shri D.V.Gangal. Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

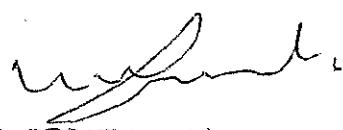
Shri Subodh Joshi. Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman.

The Hon'ble Shri

1. To be referred to the Reporter or not? *NO*
2. Whether it needs to be circulated to other Benches of the Tribunal? *NO*


(M.S. DESHPANDE)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

(b)

Original Application No.536/94.

Smt.Gangubai Narayan Palkar. ... Applicant.

v/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman.

Appearances:-

Applicant by Shri D.V.Gangal.
Respondents by Shri Subodh Joshi.

Oral Judgment :-

¶Per Shri M.S.Deshpande, Vice-Chairman Dt. 30.11.1994

By this application, the applicant seeks a direction to the Respondents to pay Ex-gratia Pension w.e.f. 5.5.1991 together with arrears in view of the Government of India, Department of Pension and Pensioners' Welfare O.M. No.4/1/87-P&PW(PIC) dt.13.6.88.

2. The applicant's husband was employed as a Fitter from 7.12.1940 and he resigned from service on 5.1.1973. He died on 5.5.1991. According to the applicant, the applicant requested the Railway Administration to grant her Ex-gratia Pension from 5.5.1991 in view of the O.M. No.4/1/87-P&PW(PIC) dt. 13.6.1988, but that representation was rejected on 8.3.1994. The applicant has therefore approached the Tribunal for the aforesaid relief.

3. With regard to the merits, the claim of the applicant was disputed by the respondents only on the ground that the records regarding the service particulars of her husband were destroyed and were not available. The applicant has produced the Service Certificate at (Ex. E-2) which shows that the deceased Narayan Palkar was employed with the

Railways from 7.12.1940 to 5.1.1973. No material to the contrary and the eligibility of the applicant to claim the benefit by the letter in question is established. The matter is no longer res-integra in view of the several decisions of this Tribunal beginning with O.A. No.20/90 Mrs.Evelyn Gracies V/s. The DRM, C.R., Bombay V.T. & Ors., decided on 3.7.1990, Smt.Gangubai Yadu Dalvi V/s. Union of India & Anr. in O.A. No.231/91, decided on 1.8.1991, and others which have been appended to the application. The applicant, therefore, would be entitled to the relief claimed.

4. In the result, the impugned order is quashed and the Respondents are directed to make the Ex-gratia payment sanctioned to the family of the deceased CPF retirees under the letter dt. 13.6.1988. The arrears would be payable to the applicant from 12.4.1993 i.e. from the period of one year prior to the filing of the application and thereafter. The arrears shall be worked out and paid to the applicant within three months from the date of the communication of this order to the Respondents. No order as to costs.

(M.S.DESHPANDE)
VICE-CHAIRMAN

B.