

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 744/94

Transfer Application No. ---

Date of Decision : 28-9-1995

Smt. Janabai

Petitioner

Mr. L. M. Nerlekar

Advocate for the
Petitioners

Versus

U.O.I.

Respondents

Mr. Subodh Joshi

Advocate for the
respondents

C O R A M :

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

The Hon'ble Shri

(1) To be referred to the Reporter or not ? x

(2) Whether it needs to be circulated to
other Benches of the Tribunal? x

M.R. Kolhatkar

(M.R. KOLHATKAR)
Member(A)

M

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.744/94

Smt. Janabai

.. Applicant

-vs-

Divisional Railway Manager,
Central Railway,
Bhusawal.

.. Respondent

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

Appearances:

1. Mr. L.M. Nerlekar,
Counsel for the
applicant.
2. Mr. Subodh Joshi
counsel for the
respondent.

ORAL JUDGMENT:

Date: 28-9-1995

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

In this O.A. the relief sought is to pay the applicant ex-gratia payment from 1-1-1986 in accordance with the rules. Applicant claims to be wife of the deceased railway employee. The rules in this question are the Govt. of India O.M. dt. 13-6-1988 from Ministry of Personnel, Public Grievances & Pensions on the subject of "Grant of ex-gratia payment of families of deceased CPF retirees" The applicant has filed a copy of the extract of death register from the office of the Panchayat Samithi, Igatpuri showing that Bhika Damoo Gode died on 6-8-72. In our order dated 13-7-95 we had observed that in such cases the applicant is required to establish the factum of employment as well as factum of relationship. On this point para 4(a) and 4(b) of the circular referred to above are relevant. These are further clarified in the Railway Board instructions dated 5-6-91 appearing at Annexure-II to Exhibit R-I.

Apart from the death certificate the applicant is entirely relying on two affidavits stated to have been filed by co-workers. Counsel for the applicant states that these are the affidavits of fellow Gangman of applicant's husband in which they have attested both to the factum of the Gangman^{employment} as well as to the relationship of the deceased employee.

2. The railway administration, however, has not accepted this evidence as adequate. On the factum of employment, evidence in the nature of pay slip, provident fund number etc. is required to be filed. In case no such records are available succession certificate or affidavits supported by any documents which should be accepted by the head of the department are to be filed.

3. We had occasion to consider the matter in O.A. 760/94 [Mrs Cecilia Reynolds y W. Rly] ^{AK} and we had observed that the subjective satisfaction of the department^{AK} head is material in terms of the Govt. order dt. 13-6-1988 read with railway board letter dt. 5-6-91. Since the applicant has not been able to file a satisfactory proof especially in regard to factum of employment, the respondents are within their right in not considering the case favourably.

4. In view of the above discussion the O.A. is dismissed with liberty ^{to Applicant} to file ^{AK}

satisfactory evidence in regard to factum
of employment within six months from the
date of receipt of copy of this order.

M.R. Kolhatkar

(M.R. KOLHATKAR)
Member(A)

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