

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 1305 of 1995.

Dated this Wednesday, the 8th day of March, 2000.

Smt. Muktabai Gopal Sonawane, Applicant.

Shri V. G. Pashte, Advocate for the  
applicant.

VERSUS

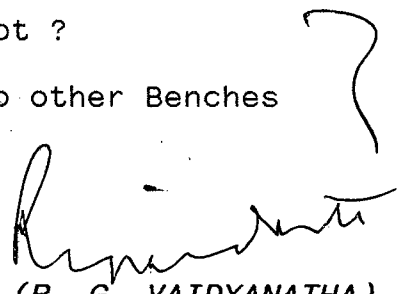
Union of India & Another, Respondents.

Shri R. R. Shetty, Advocate for the  
Respondents.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,  
Vice-Chairman.

Hon'ble Shri B. N. Bahadur, Member (A).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches  
of the Tribunal ?
- (iii) Library.

  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.

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Hon'ble Shri B. N. Bahadur, Member (A).

Smt. Muktabai Gopal Sonawane,  
Residing at -  
21/2, B.D.D. Chawl,  
N. M. Joshi Marg,  
Delisle Road,  
Bombay - 400 013.

... Applicant.

(By Advocate Shri V. G. Pashte)

VERSUS

1. Union of India through  
The General Manager,  
Central Railway,  
Bombay V.T.
2. The Chief Workshop Manager,  
Parel Workshop, Central Rly.,  
Parel, Bombay.

... Respondents.

(By Advocate Shri R. R. Shetty).

OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

This is an application filed by the applicant claiming ex-gratia payment. The respondents have filed reply. We have heard Mr. V. G. Pashte, the Learned Counsel for the applicant and Shri R. R. Shetty, the Learned Counsel for the respondents.

2. The applicant's case is as follows :

Applicant's husband was working in the Central Railway w.e.f. 24.09.1935 till he resigned his job on 11.07.1971, which

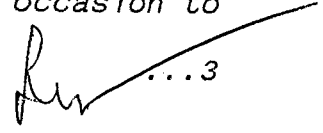
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comes to almost 36 years. Applicant's husband died on 23.01.1993. Applicant's husband was a provident fund optee. In view of the circular issued by the Railway Board and the Government, the applicant is entitled to ex-gratia payment after the death of her husband. That is how the applicant has approached this Tribunal for ex-gratia payment.

3. The respondents in their reply have taken the stand that since the applicant's husband was a provident fund optee and resigned his job, the applicant is not entitled to exgratia payment. The respondents' defence is, that if an official retires on superannuation, then only the family is entitled to ex-gratia payment.

4. The short point for consideration is, whether the applicant has made out a case for grant of ex-gratia payment or not ?

5. The applicant is relying on number of decisions of this Tribunal where the view taken is that when an official resigns the job after 30 years, he or his widow is entitled to ex-gratia payment. The 1967 circular issued by the Railway Board makes it very clear that persons who have resigned with less than 30 years will not get ex-gratia payment, meaning thereby that persons who have resigned after thirty years will certainly get ex-gratia payment. The same holds good as far as 1988 circular is concerned. Yesterday, i.e. on 07.03.2000 we had occasion to

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consider similar and identical matter in O.A. No. 633/93 and delivered a judgement holding that in an identical case the widow is entitled to ex-gratia payment from the date of death of her husband till her life time. We adopt the same reasoning in this case also. We have noticed the judgements on which the applicant has relied and also contrary view taken by two Hon'ble Single Benches and then held that in view of the 1967 circulars and in view of the fact that applicant's husband has put in more than 30 years service, the applicant is entitled to ex-gratia payment. We do not want to repeat the same reasoning in the present case and we adopt the same reasoning here and we hold that applicant is entitled to ex-gratia payment.

6. In the result, the application is allowed. The respondents are directed to sanction and pay ex-gratia payment to applicant in terms of the Railway Board circular dated 13.06.1988 from the date of death of her husband, namely - 23.01.1993 till her life time. The respondents are granted four months time from the date of receipt of a copy of this order to comply with this order. No order as to costs.

B. N. Bahadur  
(B. N. BAHADUR)  
MEMBER (A).

R. G. Vaidyantha  
(R.G. VAIDYANTHA)  
VICE-CHAIRMAN.

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