

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1098/95

Transfar Application No:

DATE OF DECISION: 25.1.1996

Smt. Taramati Gundappa Petitioner

Mr. J M Tanpure Advocate for the Petitioner

Versus

Union of India & 3 ors. Respondent


Mr. R K Shetty Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B S Hegde, Member(J)

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 ? 9


(B.S. Hegde)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 400001

O.A.NO. 1098/95

DATED: THURSDAY THE 25TH JANUARY, 1996

CORAM: Hon. Shri B.S.Hegde, Member(J)

Smt. Taramati Gundappa
d/o. late Gundappa Subanna
Ex. Vehicle Mechanic(MV)
Dehuroad Vehicle Depot
R/o. Mount Batton Camp.
Dehuroad, Pune 410101
by Mr. J M Tanpure, Advocate ..Applicant

V/s.

Union of India
through Secretary,
Ministry of Defence
South Block
New Delhi & 3 ors.
by Mr. R K Shetty, Counsel ..Respondents

O R D E R

[Per: B S Hegde, Member(J)]

1. Heard Mr. Tanpure, counsel for the applicant and Mr. R K Shetty, counsel for the respondents.

2. Respondents in their reply stated that by a special order ex-gratia pension to family members of those governed by CPF benefits was passed by the DPO and ex-gratia amount is payable to unmarried daughters upto the age of 25 years or until they


are employed or their marriage whichever is earlier. It is further submitted that the applicant is aged 37 years and she does not come within the DOP circular. However, during the course of arguments Mr. Tanpure, ld. counsel for the applicant draws my attention to Rule 54(6) of the CCS(Pension) Rules which reads as follows:

(6) Family pension throughout life admissible also to the physically/mentally handicapped children of those employees who retired/died before 30.9.1974. - 1. Proviso to sub-rule(6) of Rule 54 of the CCS (Pension) Rules, 1972, stipulates that if the son or daughter of a Government servant is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining age of 21 years in the case of a son and 24 years in the case of daughter (now 25 years in both cases) the family pension shall be payable to such son or daughter for life subject to the condition laid down therein. The said proviso was incorporated in the said rule vide Notification No.1(3)-E.V(B), dated 30.9.1974, and came into effect from that date."

In the circumstances, we see that since the Applicant is blind by birth, she is entitled for ex-gratia pension as she comes within the criteria laid down by the CCS(Pension Rules).

3. In the facts and circumstances of the case, the respondents are directed to pay ex-gratia

payment. The present O.A. was filed on 13th September, 1995 and hence the respondents are further directed to calculate the arrears of ex-gratia pension due to the applicant prior to three years of filing of this O.A. i.e., from 13th September 1992 and pay the same to the applicant within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(B S Hegde)
Member(J)