

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 964/98

DATE OF DECISION: 6/12/2000

Smt. Sumati Vinayak Kolte

Applicant.

Shri S.P. Inamdar

----- Advocate for
Applicant.

Versus

Union of India & 3 Ors.

----- Respondents.

Shri M.I. Sethna

----- Advocate for
Respondents.

CORAM:

Hon'ble Shri B.S. Jai Parmeshwar, Member(J)

Hon'ble Smt. Shanta Shastri, Member(A)

1. To be referred to the Reporter or not? | X
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.


(B.S. JAI PARMESHWAR)
MEMBER(J)


abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:964/98
DATED THE 6th DAY OF DEC. 2000

CORAM:HON'BLE SHRI B.S.JAI PARMESHWAR, MEMBER(J)
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Smt.Sumati wife of Late
Vihayak Kolte,
residing C/o
Dilip Shridhar Vaidya,
D-29/002, Yoginagar,
Eksar Road, Borivali(W),
Bombay - 400 091.

... Applicant

By Advocate Shri S.P.Inamdar

V/s.

1. Union of India, through
Secretary,
Central Board of Excise and Customs,
New Delhi.
2. Chief Commisser,
Central Excise and Customs,
Jaipur (Rajasthan).
3. Commissioner (P&V),
Central Excise, Nagpur.
4. Collector,
Central Excise, MP, Indore.

... Respondents

By Advocate Shri M.I.Sethna

(ORAL) (ORDER)

Per Shri B.S.Jai Parmeshwar, Member(J)

Heard Shri S.P.Inamdar, learned counsel for Applicant.
Shri M.I.Sethna, learned standing counsel for Respondents.

2. Applicant herein is ^{he}a widow of Shri V.N.Kolte who was working as Inspector of Central Excise. The deceased applicant died of Cancer. Death certificate is at page-65 of the OA. He appears to have had involved in a case and the Disciplinary Authority had removed him from service. It appears certain

...2.

officers who were involved in the same case were let off later on with lesser penalty. Even though the deceased Kolte challenged the order of removal, the Appellate Authority confirmed the punishment.

3. The deceased Shri Kolte had not challenged the punishment order before the Tribunal. The applicant herein made representation for grant of compassionate allowance.family pension.

4. In view of the Full Bench decision of this Tribunal in the case of Smt.Vidhata V/s. Union of India, the applicant cannot file an application challenging the punishment order passed against the deceased Kolte. However, considering the circumstances in which the applicant is now placed, we feel that the respondent authority have taken a harsh view in not giving the Family Pension or compassionate allowance. Her claim was rejected by the respondent authorities.

5. We cannot direct the competent authority to sanction compassionate allowance or family pension as deceased Kolte was removed from service by way of punishment.

6. She has prayed for the following reliefs:-

8(a) This Hon'ble Tribunal may kindly be pleased to direct the respondents to extend the similar reliefs granted in OA-438/86, 479/90 and Tr.3/87 to the applicant as her case being similarly situated.

(b) Direct the respondents to grant Family Pension from the date of the death of her husband Mr.V.N.Kolte Ex.Central Excise Inspector, Nagpur.

(c) alternatively direct the respondent to grant her (applicant) at least compassionate allowance as under rule 41 of CCS(Pension) Rules 1972.

(d) Direct the respondents to pay the arrears on account of such grant of relief with interest of @ 15% till the amount is paid to her.

(e) To direct the respondents to treat the applicant's husband as if retired voluntarily or compulsorily and extend the benefits to him/her as if he is retired from the date of his death.

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7. Therefore, we feel that the applicant has to approach the Hon. High Court for the relief.

8. In view of the matter, the Registry is directed to return the papers to the applicant to approach the appropriate forum.

Shanta Shastri

(SHANTA SHASTRY)
MEMBER(A)

B.S. Jai Parmeshwar

6/12/2008
(B.S. JAI PARMESHWAR)
MEMBER(J)