

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.1324/93

DATE OF JUDGEMENT: 31- 3- 94

Between

and

Personnel Branch
SC Railway
Vijayawada

.. Respondent

Counsel for the Applicant

:: Mr S. Ramakrishna Rao

Counsel for the Respondents

Mr K. Ramuloo, SC for RL

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

JUDGEMENT

This is an application filed under Section 19 of the Central Administrative Tribunals Act to direct the respondents to pay ex-gratia payment based on the ~~document~~ documents/ affidavits already filed by the applicant and without insisting documentary proof as per their letter dated B/P 526/Ex.Gr.2027 dated 22.8.91 with all consequential benefits and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. Facts giving rise to this OA in brief, may be stated as follows:

3. One Sri M. Raja Rao had worked as a Gangman in the South Central Railway. The said Raja Rao is said to have retired in the year 1954 from Railways on medical ~~invalidation~~ grounds. The said Raja Rao died on 19.6.1955. The applicant herein is the widow of the said Raja Rao. She did not marry

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~~anybody~~ after the death of her husband Raja Rao. After the death of the said Raja Rao, the applicant had not been paid any pensionary benefits. After several representations to the concerned authorities, the first respondent had issued a letter dated 22.8.91 asking the applicant to submit proof of ~~fact~~ ^{in her husband Raja Rao's favour} CPF account slips and other documentary records. The letter of the respondent also stated that without documentary evidence, the case of the applicant would not be considered.

4. After receipt of the letter dated 22.8.91, the applicant had submitted indemnity bond dated 27.10.91, given by two permanent employees of the railways who had worked with the deceased Raja Rao. The respondents did not accept the same, ~~as~~, and did not pay the ex-gratia payment ~~due~~ to the applicant. So, the present OA is filed by the applicant for a direction to the respondents to accept the ~~indemnity~~ indemnity bond and pay her ex-gratia payment.

5. Counter is filed by the respondents opposing this OA. In the counter of the respondents it is maintained that the scheme of Ex.gratia payment to the wives of deceased CPF retired employees first came into operation on 13.6.88 under OM No.4/1/87-P&PW(PIC) issued by Min. of Personnel, Public Grievances and Pension ^{in this regard} and that, further clarifications were issued under Chief Personnel Officer, South Central Railway vide his letters dated 29.5.89 and 6.2.89 and Railway Board's letter date~~s~~ dated 29.5.91. It is also maintained that the sanctioning authority was held responsible under the Rules to verify the bonafides of the applicant's claim and ~~he~~ has to issue a certificate to that effect and that the claim of the applicant for ex-gratia payment need not be accepted merely on the basis of affidavit where the railways has absolutely no evidence or proof that the deceased was an employee of the railways. It is the case of the respondents that the Railways have no evidence on record ~~of~~ ^{as} the applicant's husband ever ~~ever~~ ^{ever} served in SCRly and the applicant has failed to satisfy the

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sanctioning authority of her bonafides by submitting suitable documents and ~~hence~~, the applicant is not entitled for ex-gratia payment and the OA is liable to be dismissed.

6. We have heard in detail Mr S. Ramakrishna Rao, counsel for the applicant and Mr K. Ramuloo, Standing Counsel for the respondents.

7. The respondents have taken a stand in this OA that ~~absolutely~~ there is no proof to show that the said M. Raja Rao, whom the applicant claims to be her husband, had ever worked in the Railways. It is also the stand of the respondents that there is no proof to show that the applicant herein is the widow of the said Raja Rao. So, it is contended on behalf of the respondents that this OA is liable to be dismissed.

8. Ofcourse, the ex-gratia payment will be admissible to the ~~widows~~ widows of the deceased railway servants. But, as already pointed out, the case of the respondents is, that they do not have any material to show that the said Raja Rao, whom the applicant claims to be her husband, had ever worked with railways, and so the applicant is not entitled for payment of ex-gratia. Burden is heavily cast on the applicant to show that her husband had worked in the Railways. As already pointed out, her husband ~~had~~ died in the year 1955. One year prior to his death, the said Raja Rao had ~~retired~~ ^{is said to have} on medical ~~invalidation~~ grounds. It has been specifically pleaded in the OA that the applicant was not paid any pensionary benefits. In view of the stand taken by the railways, as per orders dated 2.3.94, this Tribunal directed the applicant to appear before us in person on 9.3.94 at 10.30 a.m. Accordingly, on 9.3.94 at 10.30 a.m. the applicant had appeared before the ^{through} Tribunal along with her son who claims to have born ~~the~~ the said Raja Rao ^{to} the applicant herein.

9. When questioned orally, the son of the applicant, who claims to have born to the said Raja Rao and the applicant herein states that, at the time of death of his father, that he was aged 36 years. He also states that he had put in 32 years of service as Gang Man and then voluntarily retired after he had passed the age of 50 years. He again says that he was aged 29 years at the time of death of his father. The applicant when ~~..... states that she does not remember at what age her husband died.~~ The applicant stated that she was paid a sum spent of Rs.12,000/- by the Railways and that, she had ~~spent~~ the amount for discharge of the debts. She states that this sum of Rs.12,000/- was paid to her more than ten years back. The applicant states that her age is about 60 or 70 years now. The applicant also states that her husband had worked for 55 years as Gangman in the railways.

10. Even though it is pleaded in the OA that no pensionary benefits were paid to the applicant, very strangely the applicant admits that she had been paid a sum of Rs.12,000/- about 10 years back by the railways and that, she had spent the entire amount to discharge the debts. The applicant has failed to produce any evidence to show that the said Raja Rao (whom the applicant claims to be her husband) had ever worked with the Railways and so for want of the said proof, this OA is liable to be dismissed. The respondents have also denied that the said Raja Rao had ever worked with the Railways and that, they do not have any documentary evidence to that effect.

11. There is no proof to show that the applicant herein is the wife of the said Raja Rao. As a matter of fact, the applicant is silent in disclosing how many issues she had with the said Raja Rao. It should have been specifically pleaded how many issues the applicant had with the said Raja Rao and birth extracts also should have been produced to prove that the said children were born to the said Raja Rao. No such document is placed before us to show that the applicant is the wife of the said Raja Rao. In view of the prevaricating statements

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made by the applicant and her socalled son before this Tribunal, it is very difficult to place any credence to the applicant's case that she is the wife of the said Raja Rao.

12. Nodoubt, the applicant had submitted an Indemnity Bond dated 27.10.91 given by two permanent employees of the Railways who had worked with the deceased Raja Rao, to show that the applicant is the wife of the said Raja Rao and she had not married anybody after the death of the said Raja Rao. But, in view of the contradictory statements of the applicant and as the applicant is not able to produce any evidence to show that her husband had worked in the Railways for 55 years as Gangman prior to 1955 and she (the applicant) is the wife of the said Raja Rao, we are not prepared to place any reliance on the indemnity bond and affidvits produced before the respondents and which the respndents have also not rightly accepted. So, we see no merits in this OA and this OA is liable to be dimissed and is accordingly dismissed leaving the parties to bear their own costs.

T. C. L. [Signature]
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 31 3 1994

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Deputy Registrar
Deputy Registrar(J)CC

To

1. The Divisional Railway Manager,
Personnel Branch, S.C.Rly, Vijayawada.
2. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
3. One copy to Mr.K.Ramulu, SC for Rlys, CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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*stamped
PSCG
7.4.94*

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TR.
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)
AND

THE HON'BLE MR.TCCHANDRASEKHIAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

Dated: 31-3-1994

ORDER/JUDGMENT

M.A/R.A./C.A./No.

in

O.A.No. 1324/93.

T.A.No.

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Admitted and Interim Di.
Issued.

Allowed

Disposed of with direc.

Dismissed.

Dismissed as withdra.

Dismissed for Defau.

Rejected/Ordered.

No order as to cos.

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