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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

HYDERABAD

O.A.NO.1099/94

Between:

Date of Order: 4.4.95.

Smt V. Anasuya Devi

...Applicant.

And

1. Union of India, Rep. by
The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.

2. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada.

...Respondents.

Counsel for the Applicant : Mr. M. Lakshmana Murthy

Counsel for the Respondents : Mr. N. R. Devraj, Sr. CGSC.

CORAM:

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

CONTO...

(25)

O.A.No.1099/94

Date of Order: 4.4.95

{ As per Hon'ble Shri A.B.Gorthi, Member (Admn.) }

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The applicant, ~~she~~ is the widow of late Shri V.Nageswara Rao who served the South Central Railway for over 28 years before he resigned from service on 25.6.77. Subsequently after prolonged sickness he expired on 12.6.90. The prayer of the applicant is for grant of Ex-gratia pension to her.

2. The respondents in their reply affidavit refuted the applicant's claim for Ex-gratia pension mainly on the ground that the employee (her husband) resigned from service and did not retire. The employee was governed by the Provident Fund Scheme and not by the pension scheme.

3. Heard Mr.M.Lakshmana Murthy, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

4. On behalf of the applicant, reliance has been placed on a judgement of the Bombay Bench in OA.721/92. Therein the applicant was similarly situated as the applicant in the OA before me. The Bombay Bench after examining the issue carefully allowed the OA observing, inter alia, as under:-

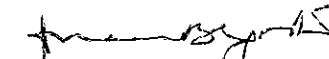
"It also mentioned that the families of these employees who were compulsorily retired or medically incapacitated are eligible for ex-gratia payment. It is difficult to see the reason for exclusion of the category to which the applicant belongs. Evidently the beneficiaries under the present scheme would not have

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been entitled to family pension at all, unless provision was made for them under the scheme. Even the families of those employees who are compulsorily retired, medically incapacitated were eligible for ex-gratia payment irrespective of the fact that the employees in these cases had not put in the qualifying period of service. It does not stand to reason that only the persons who had resigned should be excluded from the operation of the scheme".

5. As the applicant is similarly situated to the one in OA.721/92, there cannot be any justification for disallowing the prayer of the applicant. Accordingly the application is allowed. The applicant is entitled to ex-gratia pension. With regard to the arrears of ~~family~~ pension the applicant would be entitled only for arrears from 1.8.93, i.e., one year from the date of filing this present O.A.

6. The O.A. is ordered accordingly. No order as to costs.


(A.B.GORTHI)
Member (Admn.)

Dated: 4th April, 1995

(Dictated in Open Court)


DEPUTY REGISTRAR(J)

sd
TO

1. The General Manager, Union of India, South Central Railway, Railnilayam, Secunderabad.
2. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada.
3. One copy to Mr.M.Lakshmana Murthy, Advocate, CAT,Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT,Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One spare copy.

YLKR

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE SHRI ~~A.V.HARIDASAN~~: MEMBER (J)

AND

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

DATED 4-4-95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

D.A.NO. 1099/84

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered. _____

No order as to costs.

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Central Administrative Tribunal
DESPATCH
24 APR 1995
HYDERABAD BENCH.

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