

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO.892 of 1995.

Between

Dated: 13.2.1996.

Bhimaiah Mallaiah

...

Applicant

And

1. General Manager, South Central Railway, Secunderabad.
2. Divisional Railway Manager, South Central Railway,  
Secunderabad.

...

Respondents

Counsel for the Applicant

: Sri. K.K.Chakravarthy

Counsel for the Respondents

: Sri. V.Bhimanna, SC for Rlys.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:....2/-

J U D G E M E N T

X As per Hon'ble Shri R. Rangarajan, Member (Admn.) X

\* \* \*

The applicant was declared as retired from service due to medical unfitness for all categories w.e.f. 28.7.79. He applied for pension and pensionary benefits by representation dated 30.5.90. In that application he had stated that he had opted for pension though he was initially a CPF optee and gave that option form to Welfare Inspector. But for the respondents it is stated that option form was never submitted by him and the concerned authorities has never received the option form reported to have been handedover to a Welfare Inspector. As his case for pension was rejected, he filed OA.621/94 on the file of this Tribunal claiming the relief of pension. That OA was disposed of by the judgement dated 7.9.94 rejecting the claim.

2. This OA is filed praying for a direction to the respondents to grant ex-gratia payment to the petitioner under welfare scheme as indicated by the railways w.e.f. 7.9.94 or from any other date as decided by this Tribunal.

3. The applicants request for payment of pension having been rejected by this Tribunal by its order dated 7.9.94 in OA.621/94 the applicant cannot reagitate the same issue for pension by filing this OA. However it looks that he is praying for an ex-gratia payment on some unknown welfare scheme which was given effect from 7.9.94. It is not known what this welfare scheme <sup>he</sup> is quoting. However the railway board by its letter dated 27.12.88 has ordered payment of ex-gratia pension to the widows of CPF retirees. That scheme does not state that even the CPF retirees who were alive should be paid the ex-gratia pension. The applicant relies on the judgement of the Bombay

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## Copy to:-

1. General Manager, South Central Railway, Secunderabad.
2. Divisional Railway Manager, South Central Railway, Secunderabad.
3. One copy to Sri. K.K.Chakravarthy, advocate, CAT, Hyd.
4. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

.. 3 ..

Bench Tribunal dated 20.12.93 in OA.721/92 to grant the ex-gratia pension. But the ex-gratia pension directed to be paid in that OA was to the widow of an employee who retired under CPF scheme. Hence that citation has no application in this case for granting him ex-gratia pension.

4. The next contention of the applicant is that he had become blind and he is suffering for want of financial assistance in his old age. He further submits that the respondents fail to take action on the representation submitted by him through the Welfare Inspector opting for the pension scheme.

5. The Court or Tribunal cannot order for any pension impelled by sympathetic consideration, unless there is a rule to that effect. In this case no rule or instruction has been produced for grant of ex-gratia pension to the applicant herein. The question of opting ~~for~~ for pension scheme has already been decided earlier in OA.621/94, the same cannot be reopened in this OA.

6. Though the learned counsel for the applicant ably argued his case for grant of pension or ex-gratia pension, I am not able to concede the same for want of merit in this case, though I sympathise with the applicant.

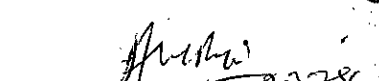
7. The OA is dismissed at the admission stage itself.  
No costs.

  
( R. RANGARAJAN )  
Member (A)

Dated: 23th February, 1996

(Dictated in Open Court)

sd

  
Dy. Registrar

coms-48

8/13/96  
TYPED BY  
COMPARED BY

MA-892/95  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD.

*R. Raghavasan*  
HON'BLE SHRI ~~A. B. GORTHI~~ : MEMBER(A)

HON'BLE SHRI

DATED: 13/2/96

ORDER/JUDGMENT

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

IN

O.A.NO.

892/95

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

\* \* \*

No spare copy

