

Central Administrative Tribunal
Jabalpur Bench

OA No.315/05

Gwalior, this the 22nd day of November, 2005.

C O R A M

Hon'ble Mr. Madan Mohan, Judicial Member

Prahlad Sharma

Son of Late Sita Ram Sharma

Retired Railway Servant

R/o Village & Post Uda

Tahsil and District Harda (MP) Applicant

(By advocate Smt. Sandhya Pathak on behalf of Shri Rajneesh
Shrivastava)

Versus

1. Union of India through
General Manager
Central Railway
(Settlement and Pension Section)
Mumbai C.S.T.

2. Divisional Railway Manager
(Settlement and Pension Section)
Bhusawal Division
Bhusawal. Respondents.

(By advocate Shri M.N.Banerjee)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following
reliefs:

(i) Direct the respondents to grant ex-gratia payment to the
applicant as per circular dated 27.1.1998 (Annexure A2).

2. The brief facts of the case are that the applicant was working as
Leaver man at Harda Station of Bhusawal Division of Central
Railway. Under compelling circumstances, the applicant took
voluntary retirement on 22.12.1963. At that time, there was no

(Signature)

provision for grant of ex-gratia payment to the SRPF (C) retirees. Later on, a provision was made for grant of ex-gratia payment to surviving SRPF retirees of the period 1.4.1957 and 31.12.1985 (Annexure A2). The applicant having retired in 1963 is a surviving retiree and was entitled for grant of ex-gratia payment. He accordingly submitted an application dated 24.2.2004 (Annexure A3). Respondent No.2 rejected the application vide impugned order dated 29.3.2004. Aggrieved by the impugned order, the applicant has filed this OA.

3. Respondents have raised a preliminary objection that the applicant had tendered resignation from Railway Service on 22.12.1963, which was accepted by the administration. Railway Board had issued instructions dated 27.1.1998 for grant of ex-gratia payment @ Rs.600 p.m. w.e.f. 1.11.1997 to surviving SRPF retirees of the period from 1.4.1957 to 31.12.1985 subject to the condition that such retirees should have rendered at least 20 years of continuous service prior to their superannuation for becoming eligible for the ex-gratia payment. Railway Board further clarified that those SRPF retirees who had retired from service other than superannuation are not eligible for the benefit.

4. My attention is drawn to Annexure R1 in this regard. I have perused Annexure A1 letter dated 29.3.2004 in which it is mentioned that the applicant had been voluntarily retired from service on 22.12.1963 and hence he was not eligible for ex-gratia payment. In this letter issued by the respondents, it is not mentioned that the applicant has submitted his resignation from service. Respondents have not filed the said resignation application of the applicant. Hence on perusal of the records, I find that the applicant was voluntarily retired from service on 22.12.1963. Hence the question of superannuation is not applicable in this case. The case of the applicant is not of resignation but according to Annexure R1, 20 years of continuous service prior to superannuation is mentioned as a necessary condition. This fact is not clarified either by the applicant in his OA or by the respondents in their reply.



5. Considering all facts and circumstances of the case, I am of the considered view that the respondents should consider the case of the applicant. Accordingly the respondents are directed to consider the case of the applicant by verifying as to whether he has completed 20 years of continuous service upto his voluntary retirement on 22.12.1963. In case he has completed the period, ex-gratia payment be granted to him in accordance with Annexure R1 letter. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.

(Madan Mohan)
Judicial Member

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पृष्ठांकन सं. ओ/व्या..... अवधारणा, दि.....

શુહેરાની દાદોની જાણ

- (1) अदिति, १०० रुपये वर्षान्ते देशी रुपये, जबलपुर
- (2) अदिति, १०० रुपये वर्षान्ते देशी रुपये, जबलपुर
- (3) अदिति, १०० रुपये वर्षान्ते देशी रुपये, जबलपुर
- (4) अदिति, १०० रुपये वर्षान्ते देशी रुपये, जबलपुर

Roanoke (Providence) Dr
W. E. Berger 2032

४७ रेजिस्ट्रेशन

~~Received
28/11/05~~