

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 504 of 2003

Jabalpur, this the 10th day of February 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Smt. Rukma Bai, Wd/o. Ramprasad, aged
80 years, resident of House No. B, Station
Aodd – Mahidpur Road (MP).

.... Applicant

(By Advocate – Shri A.N. Bhatt)

V e r s u s

Union of India and Other :

1. The General Manager, Western Railway,
Churchgate, Mumbai-20.

2. The Divisional Rail Manager,
Western Railway, Divisional Office,
Vadodara (Guj.). Respondents

(By Advocate – Shri Y.I. Mehta)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main reliefs :

“8.1 the Hon'ble Tribunal be kind enough in quashing the orders of respondent No. 2 dated 13.5.1997 and 8.5.2003 as well as orders of the respondent No. 1 dated 29.12.1989/5.1.1990 marked as Annexure A-1 and A-2,

8.2 the respondents may very graciously be directed to grant Ex-Gratia pension/payment/relief to the applicant right from the introduction of these orders,

8.3 all consequential benefits of arrears with interest may kindly be directed to be paid to the applicant.”

2. The brief facts of the case are that the applicant is widow of late Ramprasad who was serving as a Peon under the Divisional Accounts Officer, Vadodara. Late Ramprasad due to family circumstances sought voluntary retirement/resigned from the Railway service on 16.9.1966. After his retirement his settlement dues were arranged in SRPF scheme and was accordingly paid. Due to sickness he expired on 30.12.1974. The Government of India and the Railway Department has issued orders under their letters dated 13.5.1988 and 30.6.1988 respectively regarding grant of ex-gratia pension to the families of the deceased CRPF retired employees. The applicant has been denied the same benefit on the plea that late Ramprasad, husband of the applicant resigned from the Railway service. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the records.

4. It is argued on behalf of the applicant that the husband of the applicant voluntarily resigned from service after putting more than 20 years qualifying service. The word resignation and voluntary retirement is the same thing as relinquishing the job. Resignation means retirement which brought an end to the contract of service. Hence, it makes no difference that he had resigned from the job. Late Ramprasad was illiterate and a Group-D employee. None had guided him before accepting his voluntary retirement/resignation. The respondents are bound to pay the ex-gratia pension. Hence, this Original Application deserves to be allowed and the applicant is entitled to the reliefs claimed.

5. In reply the learned counsel for the respondents argued that late employee Ramprasad had actually resigned from his service. The resignation and voluntary retirement are not same and does not have same meaning. He was initially appointed as Peon on 26.1.1946 and resigned

on 16.9.1966. As, late Ramprasad had resigned from service he was not entitled to any compassionate grant/allowances and also his widow i.e. the applicant is not entitled to any allowances. The learned counsel for the respondents has drawn our attention towards the judgment of the Hon'ble Supreme Court in the case of Reserve Bank of India and another Vs. Cecil Dennis Solomon and another, AIR 2004 SC 3196, in which the Hon'ble Supreme Court has held that the employee tendering resignation is not entitled for pension. Hence, the action of the respondents is perfectly legal and justified.

6. After hearing the learned counsel for both the parties and on careful perusal of the records and pleadings, we find that the applicant has initially mentioned in her OA that late Ramprasad due to his family circumstances sought voluntary retirement/resigned from Railway service on 16.9.1966. After filing of the reply on behalf of the respondents the applicant herself has admitted in her rejoinder that late Ramprasad had resigned from service after putting more than 20 years qualifying service. It is further mentioned in the rejoinder of the applicant that the word resignation and voluntary retirement has the same meaning i.e. relinquishing the job. We have perused the ruling cited by the respondents in the case of Cecil Dennis Solomon (supra) in which the Hon'ble Supreme Court has held that "Employee tendering resignation – Not entitled to pension – Case of resignation cannot be equated to voluntary retirement for claiming benefit of pension under Regulations." In its para 9 it is also held that "under Regulation 26 of the Staff Regulations, four types of retirements were contemplated as on 1st November, 1990 i.e. (a) Retirement on Superannuation, (b) Compulsory Retirement on Invalidation, (c) Compulsory Retirement and (d) Voluntary Retirement. Resignation does not fit into any one of the said categories." We further perused the order dated 13.5.1997 (Annexure A-1) by which the applicant was informed by the respondents about the non-payment of ex-gratia pension, according to the letter dated 9.6.1989. The reference of letter

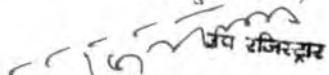
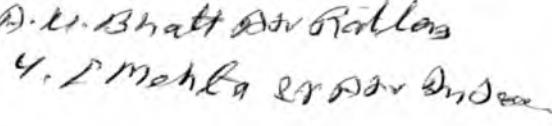
dated 9.6.1989 is also mentioned in the letter dated 29.12.1989 (Annexure A-3). We have also perused Annexure A-3 in which it is clearly mentioned that the family of the deceased Railway employees who have resigned from service are not eligible for ex-gratia payment.

7. In view of the aforesaid, we are of the considered opinion that the applicant has failed to prove her case and this Original Application is liable to be dismissed as having no merits.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

“SA”

पृष्ठांकन सं. ओ/न्या..... जबलपुर, दि.....
 प्रतिलिपि आव्यै छित्तः—
 (1) राधिव, उच्च न्यायालय कार एसोसिएशन, जबलपुर
 (2) आवेदक श्री/श्रीमती/कु..... के काउसल
 (3) प्रव्यारी श्री/श्रीमती/कु..... के काउसल
 (4) वंशपाला, नं. प्र. 3, जबलपुर न्यायालयीत
 सचिना एवं आवश्यक कार्यालयीत हैं
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