

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR**

**CIRCUIT COURT SITTING HELD AT INDORE**

**O.A. 919/2002**

Kana, S/o. Chandra,  
aged 83 years, Resident of Jawahar Marg,  
Gali No. 1, House No. 149 – Nagda(M.P.).

**Applicant**

**Versus**

Union of India – Represented by

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

2. The Divisional Rail Manager,  
Western Railway, Do-Batti,  
Ratlam.

**Respondents**

**Counsel :**

Shri A.N. Bhatt for the applicant.

**Coram :**

Hon'ble Shri Justice N.N. Singh – Vice Chairman.  
Hon'ble Shri Govindan S. Tampi – Member (Admnv.).

**ORDER (Oral)**

**(Passed on this the 17<sup>th</sup> day of February 2003)**

**Shri Govindan S. Tampi:**

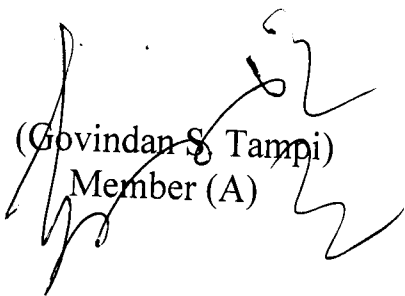
The relief sought for in this OA is the grant of ex.gratia pension to the retired employee attached to the Railway service as a Gangman, whereafter he had not been given any pension. The applicant claims that he is entitled for the above benefit on the basis of the decision of the

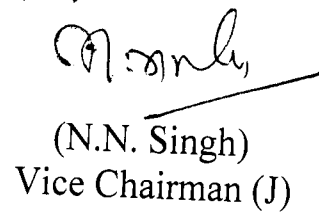
Central Administrative Tribunal, Mumbai Regional Bench in Samata Pandurang Pandare Versus Union of India and another, (OA No. 671/99, decided on 04/05/2000). The learned counsel for the applicant points out that the Regional Bench of Mumbai had passed the above order relying upon the decision of the Hon'ble Supreme Court in J.K. Cotton Spinning and Weaving Mills Company Limited Versus State of UP and other (1990)4.SCC 27. This applicant therefore prays that the benefit granted to the applicant by the Mumbai Regional Bench be extended to his case as well and the directions contained in respondents letter No. PEN/E789/Ex.Gr.P/PTII, dated 29-12-89/5-1-1990, be set aside.

2. We have considered the above plea. The applicant is seeking to have the benefit granted by Mumbai Regional Bench in OA No. 671/1999, but copy of the same has not been placed before us for our reference. Shri Bhatt learned counsel points out that he had applied for the copy of the said order and would be producing the same shortly. However, considering the fact that the same had apparently been issued by the order passed by the Hon'ble Supreme Court in JK Cotton Spinning and Weaving Mills case, we feel that the interest of Justice would be adequately met, by directing the applicant to file a representation to the respondents explaining their case and attaching a

copy of this OA and this order as well as the order passed by the Mumbai Regional Bench (supra), within 15 days from the receipt of copy of this order. On such receipt, the respondents shall, consider and pass the necessary orders on the representation within two months thereafter. If the decision is not in favour of the applicant, the matter should be disposed of by a reasoned and speaking order. Needless to say, the applicant, if aggrieved by the said order, to be passed by the respondents, would be at liberty to approach this Tribunal once again for redressal of her grievances.

5. OA is disposed of at the admission stage itself, in the above terms.

  
(Govindan S. Tampi)  
Member (A)

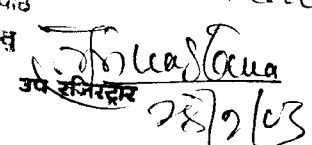
  
(N.N. Singh)  
Vice Chairman (J)

/SA/

पृष्ठंकन सं ओ/न्या.....जवळपुर, दि.....  
पत्रिस्थिति अन्वये शिवात:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जवळपुर
- (2) आलेखक की/डीएनओ/कु.....के कार्यालय
- (3) प्रवर्तकी की/डीएनओ/कु.....के कार्यालय
- (4) बंधनान, कोषा, जवळपुर न्यायापीठ  
सूचना एवं आवश्यक कार्रवाई हेतु

Shri A. N. Bhatt, Delhi  
Rattan, M.P.

  
उपे इतिरदर 28/2/03

Issued  
On 28.2.03  
BS