

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 1st day of September, 2008

ORIGINAL APPLICATION No. 336/2008

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

Abdul Shakoor
s/o Sh.Bhikaji,
permanent resident of
Near Bhura Kuwa Anta,
Post Anta and Distt. Baran,
Retired as Gang Man, Indian Railway,
Baran under DRM Office,
Western-Central Railway, Kota, Raj.

.. Applicant

(By Advocate: Shri O.P.Sheronan)

Versus

1. Union of India through
General Manager,
West-Central Railway,
Head Office, Jabalpur
2. Union of India through
Divisional Railway Manager,
Western-Central Railway,
Kota.
3. Sr. D.P.O.,
Divisional Railway Manager Office,
Western Central Railway, Kota.

.. Respondents

(By Advocate: ...)

ORDER (ORAL)

In this case the applicant is claiming ex-gratia amount on the premise that he had retired from service on attaining the age of superannuation and thus in view of Railway Board circular dated 13.11.98 (RBE No.260/98), SRPF retirees of the period from 1.4.1957 to 31.12.1985 is entitled to the ex-gratia amount.

2. I have heard the learned counsel for the applicant. As can be seen from Railway Board circular dated 13.11.1998 (RBE No.260/98), copy of which has been annexed on record as Ann.A3, ex-gratia payment of Rs. 600/- p.m. to the surviving SRPF retirees of the period from 1.4.1957 to 31.12.1985 is admissible subject to condition that such retiree should have rendered at least 20 years continuous service prior to their superannuation for becoming eligible to the ex-gratia payment. The said instruction further stipulates that those SRPF (C) retirees who had retired from service other than on superannuation, viz. on medical invalidation, voluntary retirement, compulsory retirement as a measure of penalty, premature retirement, retirement on permanent absorption in or under a corporation or company or body corporate or incorporate etc. are not eligible for grant of ex-gratia payment. The applicant has also placed on record letter dated 7.6.2004 (Ann.A7), *Perusal of*

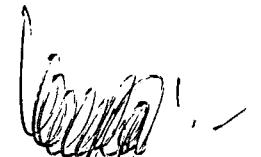
which shows that the applicant was retired from service on 1.10.69 under SRPF scheme and, as such, he is not entitled to pension.

3. In order to ascertain the fact whether the applicant was retired on superannuation, I have perused the relevant documents and material placed on record. The applicant has filed this OA and in verification clause the applicant has stated that he is 86 years of age. The said verification was made on 22.8.2008. On the basis of this verification made by the applicant, it is evident that the applicant was born in the year 1922. According to the respondents, the applicant has left the service on 1.10.67 (Ann.A1) whereas according to the applicant, he served the railway department till 1.10.69. Even if the date as given by the applicant i.e. 1.10.69 is to be taken as the date on which the applicant relinquished the service of railways, even then the applicant was about 47 years of age on that date. Thus, even on his own showing of the applicant, it cannot be said that he has retired from service on attaining the age of superannuation. Thus, fact remains that the applicant has retired from railway service before the date of superannuation, as such, he is not entitled for ex-gratia amount in terms of Railway Board order dated 13.11.98 (RBE No.260/08 (Ann.A3)). Accordingly, I see no infirmity in the action of the respondents whereby

the applicant was informed that he is not entitled to grant of pension as he has resigned from service as on 1.10.67 (Ann.A1) /he has sought retirement under SRPF *under scheme A-7*

4. For the foregoing reasons, the present OA being bereft of merit is dismissed with no order as to costs.

5. In view of the dismissal of the OA, no order is required to be passed in MA No.274/08, which shall stand disposed of accordingly.


(M.L.CHAUHAN)
Judl.Member

R/