

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 01.10.2013

OA No. 399/2011

Mr. Rajvir Sharma, counsel for applicant.
Mr. M.K. Meena, counsel for respondents.

Heard learned counsel for the parties.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 399/2011

DATE OF ORDER: 01.10.2013

CORAM

Chanda W/o late Shri Satya Narayan, aged about 35 years, D/o Shri Durga Lal, by caste Rav, R/o House No. 1G20, Housing Board Colony, Ramganj Mandi, at present residing at Plot No. 762, Swami Vivekanand Nagar, in front of Kota University, Kota.

...Applicant

Mr. Rajvir Sharma, counsel for applicant.

VERSUS

1. Union of India through its General Manager, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Establishment), West Central Railway, Kota.

...Respondents

Mr. M.K. Meena, counsel for respondents.

ORDER (ORAL)

The applicant has filed the present Original Application praying for the following reliefs: -

- "(i) respondents be directed to pay Rs. 20 lacs as an Ex-gratia lump-sum compensation to the applicant, the same may kindly be ordered to be given w.e.f. death of Late Shri Satya Narayan Verma with interest @ 12% per annum;
- (ii) any other relief which the Hon'ble Tribunal deems fit and proper may kindly be passed in favour of the applicant."

2. The brief facts of the case, as stated by the learned counsel for the applicant, are that Shri Satya Narayan Verma, Senior Guard, West Central Railway, Kota, unfortunately, expired on

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02.09.2008 at Badodara (Gujarat). According to the applicant, he expired while he was on duty. He expired at Badodara Railway Station due to heart attack.

3. Learned counsel for the applicant submitted that the widow of the deceased is entitled to compensation under the Railway Board Order because Shri Satya Narayan expired on duty. However, the respondents have taken a view that Shri Satya Narayan was not on duty when he died and, therefore, the applicant is not entitled for any benefit payable to an employee and his heirs in case of death in harness on duty. He further submitted that Railway department is bound to pay ex-gratia lump-sum payment to the heir, survivor and successor of a Railway employee, who expired on duty. As per Railway Board decision dated 05.11.1999, the Railway has decided to pay Rs. 10 lacs as lump-sum compensation to the families of the railway employees, who die in harness on duty, and after amendment dated 30.09.2008, this amount has been increased from Rs. 10 lacs to Rs. 20 lacs and, therefore, the applicant is entitled for lump-sum amount of Rs. 20 lacs as compensation.

4. On the contrary, learned counsel for the respondents submitted that late Shri Satya Narayan Verma, who was working as Guard, was nominated on duty on 02.09.2008 on train No. 2908, from Kota to Baroda. On reaching Baroda, Shri Satya Narayan Verma was relieved from the train and his duty was off on reaching Baroda, thereafter, he went to the running room for taking rest. In the afternoon, he had heart attack due to which

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Shri Verma died. Therefore, it is clear and evident from the above facts that Shri Verma was not on duty at the time of his death and, therefore, he is not entitled for workman compensation. The applicant, Smt. Chanda Devi, has been informed about the facts mentioned above vide letter dated 06.06.2011 (Annexure R/1).

5. Learned counsel for the respondents has drawn my attention to the relevant order / circular in regard to the ex-gratia lump sum compensation to the families of railway employees who die in harness in performing of bona fide official duties, which reads as under: -

"In partial modification of O.M. No. 45/55/98-P7PW(C), dated 11.09.98, circulated under Board's letter, dated 05.11.99 (Bhari's 285/99) under reference on the above mentioned subject, sub-paras (a) to (c) under para 5 of the DOP&PW's O.M. dated 11.09.98 since amended vide their O.M. No. 38/37/08-P&PW(A), dated 02.09.08, may be substituted and read as under: -

(a)	Death occurring due to accidents in the course of performance of duties	Rs. 10.00 lakh
(b)	Death occurring in the course of performance of duties attributable to acts of violence by terrorists, anti-social elements, etc.	Rs. 10.00 lakh
(c)	Death occurring during (a) enemy action in international war or board skirmishes and (b) action against militants, terrorists, extremists etc.	Rs. 15.00 lakh
(d)	Death occurring while on duty in the specified high altitude, inaccessible border posts etc. on account of natural disasters, extreme weather conditions	Rs. 10.00 lakh"

6. Learned counsel for the respondents further submitted that in view of these provisions, the case of the applicant is not covered in any of the provisions from (a) to (d) of the circular

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dated 02.09.2008 and, therefore, the applicant is not entitled for any compensation. Therefore, the Original Application be dismissed with costs.

7. The applicant has also filed a rejoinder to the written reply filed on behalf of the respondents.

8. Heard the learned counsel for the parties and perused the documents available on record.

9. From the perusal of the Office Memorandum No. 38/37/08-P&PW(A), dated 02.09.2008, it appears that the case of the applicant is not covered under these provisions. It is admitted that Shri Satya Narayan Verma died because of the heart attack at Baroda Railway Station. Thus, the death of Shri Satya Narayan Verma was not occurred due to accidents during the course of performance of duties nor it is attributable to acts of violence by terrorists, anti-social elements or due to enemy action in international war or border skirmishes and action against militants, terrorists, extremists or while on duty in the specified high altitude, inaccessible border posts etc. on account of natural disasters extreme weather conditions, and this fact has been admitted by the learned counsel for the applicant as well.

10. Therefore, even if it is presumed for the sake of argument that Shri Satya Narayan Verma died while on duty, even then the applicant would not be entitled to any relief as per the

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provisions of the Office Memorandum No. 38/37/08-P&PW(A), dated 02.09.2008. Therefore, the Original Application has no merit and it is dismissed with no order as to costs.

11. However, the learned counsel for the applicant submitted that the applicant be given liberty to redress her grievances under the Workman Compensation Act before the appropriate authority / forum. It is made clear that this order of the Tribunal will not come in her way, if she wants to redress her grievances under the Workman Compensation Act before the appropriate authority / forum according to the provision of law.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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