

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD**

This the 09<sup>th</sup> day of July 2019

**ORIGINAL APPLICATION NO. 330/00430/2015**

**HON'BLE Mr. RAKESH SAGAR JAIN, MEMBER (J)**

Smt. Umapati Devi widow of Shri Badshah Singh R/o Water Tank Chaka  
Block, Naini, Allahabad.

..... Applicant

By Advocate: Sri Sudama Ram/Sri Anand Kumar

Versus

1. Union of India through General Manager, North Central Railway,  
Head Quarter Office, Allahabad.
2. Division Railway Manager, North Central Railway, Allahabad.
3. Sr. Divisional Personnel Officer, North Central Railway, Allahabad.
4. Station Superintendent, North Central Railway, Churk, Allahabad.

..... Respondents.

Advocate: Sri P.K. Pandey/Shri R.K. Srivastava/Shri Anil Kumar

**ORDER**

1. The present O.A. has been filed by applicant Smt. Umapati Devi  
under Section 19 of the Administrative Tribunal Act seeking the  
following reliefs:-

“(i) The Hon’ble Tribunal may graciously be pleased to  
set aside the impugned order dated 21.05.2014  
(Annexure No. A-1) and direct the respondents to

grant ex-gratia lump sum compensation to the applicant as per Board's policy dated 30.09.2008 and also allow the compensation admissible under the W.C. Act in addition with interest as admissible under the Rules.

(ii) The Hon'ble Tribunal may further be pleased to issue any other order or direction which is deemed fit and proper in the circumstances of the case.

(iii) Award cost in favour of the application".

2. Case of applicant Umapati Devi is that her deceased husband Badshah Singh was appointed as Porter under Ex-Army quota vide letter dated 16.09.2011 under Station Superintendent, N.C. Railway, Churk and on 18.06.2012 due to stress and strain of carrying 4 heavy batteries of inverter from Traffic Store in the hot season of June, Allahabad fell down and expired on spot. As per the post mortem report, death of Badshah was due to septicaemia. Applicant's request for compassionate appointment was allowed by the respondent but the prayer for ex-gratia compensation, as per, Railway Board letter dated 30.09.2008 and Workman Compensation Act was rejected by the respondent No. 2 vide impugned order dated 21.05.2014.
3. Applicant challenges the impugned order on the ground that Badshah Singh died due to heat stroke while working and therefore, the death taking place out of and in the course of employment, she is entitled to ex-gratia compensation. Hence the present O.A. Applicant also filed rejoinder affidavit controverting the stand of respondents taken in their counter affidavit.
4. In the counter affidavit, the stand of respondents is that as per the post mortem report, the death of Badshah Singh was due to septicaemia, a disease, deceased was suffering from, so it

cannot be alleged that the death was due to heavy stress and strain of the work under the employment of the respondent-department and placed reliance upon *Jyothi Ademma v/s Plant Engineer*, (2006) SCC (L&S) 1166. The death did not arise out of and in the course of employment. The O.A. be dismissed since no cause of action has accrued to the applicant.

5. I have heard and considered the arguments of the learned counsels for the parties and gone through the material on record.
6. The death of Badshah Singh is admitted. The only question which arises for adjudication is whether death of Badshah Singh occurred in the actual performance of official duties. In other words, a casual connection should be established between the occurrence of death and government service to enable the applicant to get ex-gratia compensation.
7. In the present case, undoubtedly, Badshah Singh died while performing official duties. However, the cause of death as alleged by applicant is not stroke caused due to stress and strain of the official work but, as per, the post mortem report due to septicaemia which is a blood related medical disease and cannot be attributed as being caused due to his official work. In the present case, there is no connection between the cause of death of Badshah and performance of his duties, as such, applicant is not entitled to any ex-gratia compensation.
8. Applicant placed reliance upon Order dated 10.10.2012 passed by Principal Bench in OA No. 906/2012 titled *Smt. Sarita Devi v/s UOI*, *Smt. Daljeet Kaur v/s UOI*, (2003) 134 PLR 410, *Bai Diva Kaluji v/s Silver Cotton Mills Ltd*, AIR 1956 Bombay 424, CWP No. 10885 of 2012 titled *UOI v/s CAT* decided by the Hon'ble High Court of Punjab and Haryana vide order dated 30.05.2012 and Order dated 03.12.2008 in O.A. No. 803 of 2007 titled *C.Valliammal v/s*

UOI passed by CAT, Ernakulam Bench. All these citations are distinguishable from the facts of the present case. In the cited cases, the death of the employee took place due to injury/cause arising out of and in the course of his employment which is not the case in the present O.A.

9. It is a settled principle of law that if the workman dies a natural result of the disease during his employment no liability would be fixed upon the employer. In the present case, death of Badshah is not attributable to his service but due to the disease he was suffering from and therefore, his death was not connected with his employment or duties.
10. In view of the facts and circumstances of the case, the O.A. being meritless is dismissed. No order as to costs

**(RAKESH SAGAR JAIN)**

Member (J)

Manish/-