



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.5316/1024/2015

Dated:-19.08.2016

In the matter of:

Smt. Anita Kumari,
W/o Late Shri Vikramaditya,
Opposite Paras Palace,
Ram Krishna Nagar,
Bela Road, Dibiyapur,
Auraiya, Uttar Pradesh-206244

0249

..... Complainant

Versus

Central Warehousing Corporation,
(Through : Managing Director),
Warehousing Bhawan,
4/1, Siri Institutional Area,
August Kranti Marg,
Hauz Khas, New Delhi-110016.

0243

..... Respondent

Date of hearing : 22.07.2016

Present :

1. Shri Suman Kumar on behalf of Complainant.
2. Shri Manish Singh Rana, Sr. Assistant Manager,(General), on behalf of the Respondent.

O R D E R

The above named complainant filed a complaint dated nil (received in this Court on 12.10.2015) before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding non payment of ex-gratia on the death of her husband, Shri Vikramaditya, a person with 48% locomotor disability while on duty in Central Warehousing Corporation.

2. The complainant has submitted that her husband died due to a road accident while discharging official duties. She stated that there is a provision for payment of ex-gratia/lump sum of Rs.5 lakh as compensation to the nominee in case of death of an employee occurring due to an accident in the course of performance of official duties. The complainant has submitted an application dated 06.07.2010 on prescribed form with all the required documents for payment of ex-gratia. Her application was refuted by Central Warehousing Corporation vide its letter dated 18.09.2013 saying that required documents were not submitted by the complainant along with her application. She also approached RTI, but did not get any favourable reply. The complainant's prayers are (1) to direct CWC to pay Rs.7.5 lakh (revised amount) to her and (2) compassionate appointment to her son who is a Commerce graduate for their livelihood.

....2/-

3. The matter was taken up with the respondent vide this Court's letter dated 02.11.2015.
4. The respondent vide letter No CWC/1-9436/Estt./579A dated 20.11.2015 submitted that their office vide its letter dated 14.10.2013 had taken a decision that if an employee belonging to Group C and Group D dies during the service then an ex-gratia equal to sum of Rs.7.50 lakh is given to the nominee of the deceased employee instead of giving employment to the nominee. It is further stated in the reply that this benefit is available only to an employee who dies after 20.09.2013. The complainant's husband died on 04.03.2010, therefore, she is not eligible to draw ex-gratia of Rs.7.50 lakh.
5. A copy of letter No CWC/1-9436/Estt./579A dated 20.11.2015 received from the respondent was forwarded to the complainant for her comments/rejoinder.
6. The complainant vide her rejoinder dated 17.12.2015 enclosed a Circular dated 14.10.2013 of Central Warehousing Corporation and submitted that her complaint is with reference to CWC Circular No. CWC/IRO/Exg./2006 dated 01.11.2006 which is quite different to as stated by CWC vide its reply dated 20.11.2015. Her grievance is for non-payment of ex-gratia Rs.5,00,000/- as lump-sum compensation for her deceased husband. She further submitted that she had enclosed 19 enclosures consisting of 27 pages along with the complaint.
7. Upon considering respondent's reply dated 20.11.2015 and complainant's rejoinder dated 17.12.2015, a letter dated 07.03.2016 was issued for taking necessary action and to furnish the Action Taken Report. As no Action Taken Report was received despite lapse of sufficient time, a hearing was scheduled on 07.07.2016 which was further re-scheduled on 22.07.2016.
8. During the hearing on 22.07.2016, the representative of the complainant reiterated the written submissions and submitted that keeping the facts in view that Inquiry Officer as well as Immediate Officer, Manager Central Warehousing Corporation revealed that the deceased person was on duty and there is attendance of the deceased employee in the Register, as well as salary paid for the period goes to prove that the deceased employee was on official duty. Hence, ex-gratia of Rs.5 lakhs is payable to Smt. Anita Kumari, the wife of the deceased employee.
9. The representative of the respondent submitted a copy of the reply of the respondent which was taken on record. The representative of the respondent further submitted that as per CWC Circular No.CWC/IRO/Exg./2006 dated 01.11.2006, ex-gratia of Rs.5 lakh is payable on death occurred due to accident in the course of performance of official duties, subject to production of Medical Certificate, Certificate from Competent Authority stating that the accident took place while on duty. Copy of FIR mentioning time of accident and Death Certificate/Post Mortem Report from

Competent Authority. The complainant has not enclosed the copy of FIR mentioning the time of accident and the place of accident. Secondly on enquiry, it has been found that late Shri Vikramaditya was not on official duty at the time of accident though the complainant has claimed that he went to the bank for official work but in the Bank Transaction Register maintained at the Warehouse, there was no entry of his departure to bank or signature of late Shri Vikramaditya, which clearly shows that he was not on duty. The place where the accident took place was also not informed to the office. Under such circumstances, as per the above referred Circular, the ex-gratia of Rs.5 lakh is not payable to the complainant Smt. Anita Kumari w/o late Shri Vikramaditya.

10. After hearing the parties and perusal of records available in the file, this Court is of the view that the complainant is eligible for compensation of Rs.5 lakh as ex-gratia as per respondent's Circular No. CWC/IRO/Exg./2006 dated 01.11.2006. The respondent is directed to pay the compensation to the complainant as per their Circular dated 01.11.2006 and send a Compliance Report to this Court within 30 days from the date of receipt of this order.

11. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities

N.O.O.:
Copy to Record File.