

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/203/2019

Date of Reserve: 19.12.2019
Date of Order: 07.01.2020

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BL MR.SWARUP KUMAR MISHRA, MEMBER(J)

Bhargabi Giri, aged about 61 years, W/o. Late Harendra Nath Giri, At-Mala, PO-Barunsingh, PS-Khantapara, Dist-Balasore, Odisha-756 040.

...Applicant

By the Advocate(s)-M/s.C.Jena
S.Swain
S.C.Samantray

-VERSUS-

Union of India represented through:

1. The General Manager, SouthEastern Railway, Garden Reach, Kolkata-43.
2. The Divisional Railway Manager, S.E.Railway, Kharagpur, PO-Kharagpur, Dist-Paschim Medinapur, West Bengal-721 301.
3. The Sr.Divisional Personnel Officer, S.E.Railway, Kharagpur, PO-Kharagpur, Dist-Paschim Medinapur, West Bengal-721 301
4. The Sr.Div.Finance Manager, S.E.Railway, Kharagpur, PO-Kharagpur, Dist-Paschim Medinapur, West Bengal-721 301
5. The Branch Manager, State Bank of India, Januganj Branch, Remuna, Balasore, Odisha-756 009.

...Respondents

By the Advocate(s)-Mr.N.K.Singh

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

In this Original Application under Section 19 of the A.T.Act, 1985, the applicant has sought for the following reliefs:

- i) An order do issue directing the respondents to pay full family pension to the applicant from 14.04.2012 with arrears.
- ii) Pay statutory interest on delayed payment full family pension w.e.f. 14.04.2012.

- iii) Revise the family pension in accordance with 7th PC and pay arrears on top priority basis.
 - iv) Any other order/orders, as the Hon'ble Tribunal deems fit and proper.
2. Shorn of unnecessary details, it would suffice to note that after death of her husband, the applicant was in receipt of 50% family pension in view of directives issued by the learned Civil Judge (Sr.Division), Balasore vide order dated 22.05.2010, the rest 50% being payable to Sri Saikat Giri, son of 2nd wife of the deceased, till he attains 25 years of age. It reveals from the communication dated 16.7.2019 (R/2 to the counter) that advice had already been tendered for payment of 100% family pension in favour of the applicant with effect from 14.02.2012 to the concerned CPPC Bank as well as disbursing branch, i.e., State Bank of India, Januganj, Remuna Branch. Since the applicant did not receive 100% family pension despite her preferring a representation dated 24.02.2014, she has approached this Tribunal, seeking for the reliefs as referred to above.
3. On being noticed, Respondent-Railways have filed their counter. In the counter as well as Affidavit filed by the Respondents, it has been disclosed that the family pension in favour of the applicant stood revised from 14.04.2012 @ 100% amounting to Rs.9125/- (as on Nov., 2019 under 7th CPC) and arrears upto November, 2019 calculated to the tune of Rs.9,52,073/- has been credited to the Account of the applicant. This position has been confirmed by the learned counsel for the applicant vide order dated 19.12.2019. However, the grievance of the applicant is for payment of interest on delayed payment of arrears dues from 14.04.2012.
4. Respondent No.5, Branch Manager, State Bank of India, Januganj Branch, Remuna, Balasore has neither entered appearance nor filed any counter.

5. We have heard the learned counsel for both the sides and perused the records. It is seen from the record that vide letter dated 09.06.2014, the State Bank of India, Januganj, Remuna Branch had been advised by the Railway Administration to make payment of 100% family pension with effect from 14.02.2012 in favour of the applicant. This is perhaps, in consideration of the representation dated 24.02.2014 claiming 100% pension. Since the family pension had been divided into equal shares between the applicant and the son of the 2nd wife of the deceased employee until he attains 25 years, certainly, it cannot be held to be deliberate or intentional withholding of pension by the Respondent-Railways with effect from 14.02.2012 when 100% family was due and admissible to the applicant. Be that as it may, since the disbursing bank vide letter dated 09.06.2014 had been advised to make payment of 100% pension in favour of the applicant and since the same has not been paid to the applicant, applicant's entitlement to get interest on delayed payment on the rest 50% family pension at least from June, 2014 till the date of actual payment, cannot be brushed aside. *Prima facie*, it appears that because of lapses on the part of Respondent No.5, the applicant could not avail of 100% family pension from June, 2014, albeit, an advice to that effect had been tendered by the Railways vide communication dated 09.06.2014. In consideration of laches and lapses on the part of Respondent No.5 as mentioned above, the only inescapable conclusion that could be drawn is that the applicant is entitled for payment of interest for the delay in disbursement of family pension. Accordingly, the respondents are required to work out interest on the delayed payment of arrears family pension towards rest 50% of the share from June, 2014 till final payment was made in that behalf in full and final discharge of her claims at the rate of interest as applicable to

the Savings Bank Accounts and disburse the same to the applicant within three months from the date of receipt of a copy of this order.

6. The O.A. is allowed as above. No costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)
BKS

(GOKUL CHANDRA PATI)
MEMBER(A)