

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 4210/2018
MA No.4746/2018

New Delhi, this the 28th day of February, 2020

Hon'ble Mr. R.N. Singh, Member (Judicial)

Kavita Devi W/o Late Sh. Ganesh Singh Panchpal
Age-44 yrs., Group-C, D-Unemployed
R/o C-216,FF-3, Shalimar
Garden, Ext.-II, Sahibabad, Ghaziabad,
Uttar Pradesh-201005.

–Applicant

(By Advocate: Mr. S.P. Rana with D.K.Pandey)

Versus

1. Government of NCT of Delhi through
Chief Secretary, Delhi Secretariat,
I.P. Estate, New Delhi.
2. The Jain Secondary School
Gali Jain Mandir, Shahdra, Delhi-110032
Through Vice Principal
3. The Secretary,
Jain Secondary School,
Gali Jain Mandir, Shahdra, Delhi-110032
4. Account Officer (Account Branch)
Directorate of Education, Govt.of NCT Delhi.
Distt. East, D-Block, Anand Vihar,
Delhi-110092.
5. The Director Directorate of Education
Old Secretariat, NCT of Delhi-110054
6. Dy. Director of Education
Directorate of Education, NCT of Delhi
District-East, D Block, Anand Vihar,
Delhi-110092.

7. Regional Director Directorate of Education
District-East, Rani Garden Geeta Colony,
Delhi-110031.
8. Dy. Director of Education, Aided School
Branch, Directorate of Education, NCT of Delhi
Old Sectt. Delhi-54. - Respondents
(By Advocate: Ms.Purnima Maheshwari with Mr. D.K.Singh,
Mr.Mukesh Kumar Aggarwal)

ORDER (ORAL)

Heard learned counsels for the parties.

2. The present OA has been filed under section 19 of the A.T. Act, 1985 by the Widow of Late Sh. Ganesh Singh Panchpal who was working as a Lab. Assistant under the respondent nos. 2 & 3.
3. It is stated that the husband of the applicant unfortunately expired at Shri Ram Singh Hospital on 30.06.2017. The applicant is stated to have filed the requisite documents viz Aadhar Card, etc (Annexure A-5 (colly), however, the respondents have not paid death-cum-retiral benefits to the applicant. The applicant has got the legal notice dated 04.09.2018 (Annexure A-11) issued to the respondents. However the grievance of the applicant has not been redressed by the respondents and the applicant has accordingly filed the present OA, seeking the following relief(s):-

"I. To quash & set aside the order/Letter Nos.JSS/18/246 dated 23/07/2018. JSS/18/52 Dated 06/02/2018 and JSS/17238 Date 16/10/2017 JSS/18/246 Dated 23/07/2018 in respect of applicant.

(i) Direct the respondents to grant provide the post pensionary benefits like Family Pension, Gratuity, Leave Encashment & G.P.F. etc be paid to Ms. Kavita Devi W/o Late sh. Ganesh Singh Panchpal, Ex. Lab Asstt.

(ii) Pay all consequential monetary benefits on account of such delay of release of pensionary benefits with interest.

(iii) Any other/ Further relief (s) which this Hon'ble Tribunal deems fit and proper as per facts and circumstances of the present case."

4. Though, in response to the notice issued by this Tribunal, the respondents have not filed reply, however, learned counsel for the respondents invites my attention to the order dated 3.7.2019 (Annexure A-9) which reads as "the Managing Committee of Jain Secondary School, Shahdara unanimously resolved in its meeting held on 03.07.2017 in regard to the expiry on 30.06.2017 of Sh. Ganesh singh Panchal, Lab Asstt. That all the post pensionary benefits viz Family Pension, Gratuity, Leave Encashment & G.P.F. etc be paid to Ms. Kavita Devi w/o Late Sh. Ganesh Singh Panchpal,, Ex Lab. Asstt. And relevant papers be submitted to the concerned authority"

5. Learned counsel for the respondents submits that the nomination in the service book of the deceased required correction before disbursement of death-cum-retiral benefits to

the applicant. She further submits that this such type of correction could be ascertained from the respondents no.2 & 3 and only therefore there has been delay in disbursement of benefits as admissible to the applicant.

6. Learned counsel for parties submit that during pendency of this OA, all benefits as admissible to the applicant have been released to the applicant. However, learned counsel for the applicant submits that once respondents have delayed payment of dues as admissible to her for which the applicant is not responsible, the respondents are duty bound to make payment of interest on the of dues paid belatedly to her. Per contra, learned counsel for the respondents submits that nomination was made by the husband of the applicant himself and if some correction was required therein, the respondents cannot be held responsible for the same.

7. I have perused the pleadings on record and considered the submissions made on behalf of the parties. I am of the view that the service records are maintained by the respondents and same are only shown to the employee. Admittedly the husband of the applicant has expired on 30.06.2017 and there is an affidavit dated 25.10.2017 on record which indicates that there is a letter dated 16.10.2017 (Annexure A-6) from the

respondents requiring the applicant to produce specific certified copies of Aadhar Card, Pan Card etc., for processing the claim of the applicant. However, this was finally disbursed to the applicant only in July, 2017. The fact remains that dues which were admissible to the applicant remained in the possession and use of respondents for more than two years. This was done by the respondents only to make change in the name of Spelling of applicant in the nomination papers. This can not be a justified reason to delay the payment of the dues admissible to the applicant. Therefore, the applicant is found entitled for payment of interest on such delayed payment(s).

8. Therefore, in the facts and circumstance of the case, the OA is disposed of with a direction to the respondent to grant payment of interest @ 6.5 on the death-cum-retiral dues as admissible to the applicant. The respondents shall make the payment of such interest as expeditiously as possible and in any case within 10 weeks from the date receipt of a certified copy of this order. The payment of the dues shall be from the date from which it became due till the payment thereof. However, in the facts and circumstances, no order as to the costs. Pending MAs also stand disposed of.

(R.N.Singh)
Member (J)

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