

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2256 of 1999

New Delhi, this the 15th day of December, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

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Smt. Krishna Devi Aggarwal
C/o Shri Babu Lal Bansal
1387/A, Kalyanpuri
New Delhi

-APPLICANT

(By Advocate: Shri M.K. Gaur)

Versus

1. Union of India and others
through the General Manager
Central Railway,
Mumbai

2. Divisional Railway Manager
Central Railway, Jhansi

3. Deputy Chief Engineer (Electrical) Construction
Central Railway, Jhansi

-RESPONDENTS

(By Advocate: None)

G R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant is a widow whose husband died while in service under the railways. Applicant states that she has not been paid the DCRG, arrears of 5th Pay Commission, leave encashment etc. Only family pension has been sanctioned to her.

2. The plea of the respondents is that since store verification sheet, narrative sheet and audit para is pending against Shri K.L. Aggarwal (husband of the applicant), therefore, an amount of Rs. 4,48,686/- comprising of DCRG, leave salary, 5th Pay Commission's arrears and wages have been withheld pending verification. However, the fact remains that the applicant had expired on 8.4.98 and even after a lapse of about three years time, verification etc. has not been

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completed and the amount is being withheld.

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3. Learned counsel for the applicant submitted that as per rule 15 of Railway Services (Pension) Rules, 1998, it was the duty of the Head of Office to ascertain and assess the railway dues payable by the late husband of the applicant. Rule 15(2) provides that the railway dues as ascertained and assessed, which remained outstanding till the date of retirement or death of a railway servant, shall be adjusted against the amount of the retirement gratuity or death or terminal gratuity and recovery of the dues against the retiring railway servant shall be regulated in accordance with the provisions of sub-rule (4). Shri Gaur further submitted that as per clause (iv)(b) of Rule 15 (4) of Railway Services (Pension) Rules, dues mentioned in clause (i) of this sub-rule should be assessed and adjusted within a period of three months from the date of death of the railway servant concerned.


4. In this case, the death of the applicant had taken place on 8.4.98 and three months thereafter had lapsed sometime in July, 1998. It is informed that till date the department has not ascertained the dues and they have caused an undue delay in the payment of legitimate dues to the applicant.

5. Under the circumstances, I feel that this OA deserves to be allowed. I, therefore, allow the OA and direct the respondents to make the entire payment of the

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amount withheld by them, to the applicant within a period of three months from today. Respondents shall also pay interest to the applicant from August 1998 onwards on the delayed payment of such amount at the rate as specified under Rule 87 of Railway Services (Pension) Rules, 1993. In case the payment of amount withheld by respondents is not made to the applicant within a period of three months from today, then applicant shall be entitled to interest at the rate of 12%.

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(KULDIP SINGH)
MEMBER (JUDL)

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