

Central Administrative Tribunal  
Principal Bench

O.A. 2602/99

New Delhi this the 27th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Smt. Phoola Devi,  
W/o late Bal Ram,  
Chowkidar (RC),  
A-212, Shakoorpur J.J. Colony,  
Delhi-110 034. .... Applicant.

(By Advocate Shri R.K. Shukla)

Versus

1. The Controller of Accounts,  
Principal Accounts Office,  
Government of NCT of Delhi,  
Mori Gate,  
Delhi-110 006.
2. The Executive Engineer,  
PWD Division-I,  
Govt. of NCT of Delhi,  
4/20, Asaf Ali Road,  
New Delhi-110 002. .... Respondents.

(By Advocate Shri George Paracken)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant, who is a widow of late Balram, Chowkidar, who was working with the respondents, has filed this application praying for a direction to the respondents to pay the arrears of invalid pension of her late husband, together with interest @ 18 per cent per annum. She has also prayed that the respondents may be directed to pay her family pension in accordance with the provisions of the CCS (Pension) Rules, 1972 (hereinafter referred to as 'the Pension Rules').

2. Shri R.K. Shukla, learned counsel has submitted that in accordance with the sanction accorded by the respondents in their order dated 29.8.1990 (Annexure A-3),

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An amount of invalid pension was sanctioned to the applicant's husband which, according to him, has still not been paid to him when he was alive or to her after his death on 11.7.1992. Shri George Paracken, learned counsel, on the other hand, submits that the Office Order dated 29.8.1990 relied upon by the applicant only shows that the request of the applicant's husband was accepted for invalid pension. As he had not completed 10 years qualifying service for receiving normal invalid pension, he had been sanctioned Rs.8358/- as an amount outstanding in his GPF fund. Admittedly, the applicant's husband had rendered only six years, six months and 18 days service as Chowkidar before his expiry in July, 1992. The respondents have stated that he was entitled only for the payment of service gratuity and retirement gratuity which have also been paid to the applicant, which has been stoutly disputed by Shri R.K. Shukla, learned counsel. His main contention is that even as of today, this amount has not been paid which was sanctioned to the applicant's husband as far back as on 30.9.1990 and hence, the applicant may be paid this amount with interest. Learned counsel for the respondents has drawn attention to paragraph 2 of the reply filed by the respondents dated 9.2.2000, in which they have stated that the sanctioned amount of Rs.2762/- towards death-cum-retirement grant and Rs.5343/- towards service gratuity has already been paid.

3. Shri R.K. Shukla, learned counsel also relies on Rule 9(3)(b) of the CCS (Extraordinary Pension) Rules, as amended by Govt. of India O.M. dated 20.1.1978, reproduced in Appendix 3 of Swamy's Pension Compilation Pension Rules

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15th Edition, Page 312. In this Rule, it is mentioned that where a Government employee eligible for disability pension under the CCS (EOP) Rules is invalided/boared out from service before putting in 10 years of service, he does not get any invalid pension, but gets only service gratuity under the Rules. It is further provided that apart from such gratuity, which has been sanctioned to the applicant in the present case, he shall be given such amount of disability pension as is admissible under the EOP Rules, subject to the condition that the sum-total of the pension equivalent of such gratuity under the Pension Rules, plus the disability pension as is admissible under the CCS (EOP) Rules, shall not be less than the widow's (family) pension under the CCS (EOP) Rules. The learned counsel for the respondents has pointed out that the applicant has not made any representation for consideration of her case for disability pension, as provided in the EOP Rules, mentioned above.

4. I have carefully considered the submissions made on behalf of the learned counsel for the parties and the pleadings.

5. From the facts mentioned above, it is clear that the applicant has not put in 10 years qualifying service to enable him to get the benefit of invalid pension, as required under the Pension Rules. However, there is a controversy on the facts regarding payment of the sanctioned amount of service gratuity and death-cum-retirement gratuity and GPF to the applicant/or her husband prior to his death. In the circumstances of the case, the respondents shall verify from their records to ensure that the due amounts

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sanctioned by them have already been paid. If this has not been done, they shall do so immediately and in that case, they shall also be liable to pay interest @ 12% per annum on the sanctioned amount till the amount is paid to her. However, it is made clear that if the payments have already been made to the applicant or her husband earlier, there will be no question of interest on <sup>his</sup> ~~their~~ payment. In respect of any other claims that the applicant may have, it is open to her to proceed in the matter in accordance with the Rules.

6. O.A. is accordingly disposed of, as above. No order as to costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

'SRD'