

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No. 1812/98

New Delhi this the 20th day of January 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)

Murari Lal Sharma
S/o Shri Matadeen Sharma
V. & P.O. Nimrana,
Distt. Alwar (Rajasthan)Applicant
(By Advocate: Shri A.K. Bhardwaj)

Versus

1. Union of India through
The Secretary,
Government of India,
Ministry of Communication,
Department of Posts, SPG Section,
Dak Bhawan, Sansad Marg,
New Delhi.
2. The Chief Postmaster General
Department of Posts,
Delhi Circle, New Delhi-110001.
3. The Director General,
Ministry of Communications,
Department of Posts, Dak Bhawan,
New Delhi-1.
4. The Asstt. Director General (Pen.)
Ministry of Communications,
Department of Posts,
Dak Bhawan, New Delhi-1.
5. The Director of Accounts (Postal),
Delhi-110054.

...Respondents

(By Advocate: Shri Madhav Panikar)

ORDER (Oral)

By Reddy, J.-

The applicant who was working as Administrative Officer in the Postal Department, retired from service in September 1994. Thereafter, as stated by the applicant, he submitted the pension papers on 14.4.95, requesting to release the pension and other benefits. It is also his case that he has divorced his first wife Smt. Meena Devi and

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married Smt. Geeta Sharma i.on 20.2.90. Even before his retirement he has given the particulars as to the second marriage to the department and requested that her name be entered into the records for the purpose of receiving the family pension by her after the applicant's death. But the respondents, it is alleged, have stopped releasing the pensionary benefits of the applicant and have returned the papers stating that they are in-complete and that the marriage of Geeta Sharma was not shown to have been legal as no supportive documents have been filed. It is the case of the applicant that even before his retirement he had given an application for entering the name of Geeta Sharma in the records and alongwith said forms he had also enclosed a copy of the decree issued by the Civil Court evidencing the divorce obtained by him regarding the first wife. It is contended by the learned counsel that all the other papers submitted by him are complete in all respects but the respondents have not released the pension. He, therefore, submits that the applicant is entitled for interest on the delayed amount of pension.

2. It is the case of the respondents that soon after, the department issued the pension papers in April 1995, they have written to the applicant stating that the papers were in-complete and that full particulars have to be mentioned including the documents in support of the marriage with Mrs. Geeta Sharma. But the

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department received the reply from the applicant only in 1997. Soon after, though the papers are still incomplete, the pensionary benefits of the applicant have been released. It is, therefore, contended by the learned counsel for the respondents that the department is not liable to pay any interest on the pension to the applicant.

3. Heard the counsel for the applicant and the respondents.

4. Learned counsel for the respondents draws my attention to the letter dated 15.9.97. This letter was addressed to the applicant. A perusal of the same it makes it manifest that in response to the letter written by the respondents on 28.4.95, the applicant has replied only on 11.2.97 in which it is stated that the applicant had furnished fresh pension papers. Thus it is evident that the applicant has given his reply to the query of the department for the defects shown in the papers submitted by him on 11.2.97 only. It is submitted by the learned counsel for the applicant that the applicant himself has gone to the department and clarified the defects pointed out and the department was satisfied and also assured the applicant, that the pension would be released soon. Admittedly, however, the applicant had not written a letter in response to the clarification sought by the department till 11.2.97. It is now stated by the

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respondents in the counter reply that after the papers submitted by the applicant on 11.2.97, respondents have released all the pensionary benefits of the applicant. Thus I am not satisfied that there is inordinate delay on the part of the respondents in not releasing the pension from 1995 to February 1997. Hence the respondents cannot be made liable for payment of any interest upto February 1997. Though it is stated by the learned counsel for the respondents that the pension has been released from February 1997, this fact is disputed by the learned counsel for the applicant. He states that after filing of the A, the department stopped payment of pension.

5. In the letter dt.15.9.97, the applicant was asked to produce the documents to prove to re-concile his marriage with Smt. Geeta Sharma. In the letter dated 2.6.98 the applicant was again directed to produce the marriage certificate from the Registrar indicating the date of his marraige with Smt. Geeta Sharma. As to the validity of the second marriage, it is clear from the letter of the applicant dated 7.7.93, the applicant informed that he has divorced Smt. Meena Devi, his first wife enclosing the divorce decree of the Civil Court. Thus it is evidence that the marriage with Smt. Geeta Sharma is valid.

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6. In view of the divorce obtained by the applicant as regards his first wife Smt. Meena Devi. In the circumstances, it is not required of the applicant to produce any further proof with regard to the marriage of Smt. Geeta Sharma. It is also necessary to notice that the respondents had released the pension to the applicant in April 1997. The department must have, therefore, by that time, been satisfied regarding the validity of the marriage with Geeta Sharma.

7. I, therefore, direct the respondents to release the pension benefits to the applicant, if they are not released already as claimed by the applicant including all the arrears from 1995, within one month from the date of receipt of a copy of this order. Respondents are also liable to pay interest on the amounts due from 17.2.97 till they are fully paid, at 12% per annum..

8. OA is accordingly allowed. No costs.

cc.


(V. Rajagopala Reddy)
Vice-Chairman (J)