

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.465/98

New Delhi, this the 5th day of November, 1998

HON'BLE MR.N.SAHU, MEMBER(A)

Smt.Raj Rani widow of Shri
Bulaqi Ram Shastri, r/o 3-C,
Kotla Ferozshah, New Delhi

....Applicant

(By Advocate: Shri H.C.Sharma, F-499, Kherpur
Gaon, Kotla Mubarakpur, New Delhi-3),

Versus

NCT Delhi through
Chief Secretary,
Govt. of Delhi,
Old. Sectt. Delhi.

....Respondent

(By Advocate: None)

O R D E R (ORAL)

HON'BLE MR.N.SAHU, MEMBER(A)

Heard the ld. counsel for applicant.

2. Shri Bulaqi Ram Shastri retired from service as a teacher in the Birla Higher Secondary School, Subzi Mandi, Delhi-7 on 25.7.66. He died on 5.6.75. Soon after his death, his widow, the applicant claimed family pension. At the time of retirement, the basic pay of Shri Bulaqi Ram was Rs.248/- per month. Under PPO No.AS-78, he was sanctioned pension. After the death of her husband, the applicant filed annexures A-1 and A-2. Annexure A-1 is a letter dated 18.3.76 addressed by the Asstt.Treasury Officer, Delhi to the Tehsildar, Delhi for enquiry and report regarding legal heirs of late Shri Bulaqi Ram. This was followed by another reminder dated 23.11.76. The applicant states in an affidavit filed on 15.9.98 that she submitted the prescribed forms including the death certificate of her

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husband and certificate from the concerned school that her husband was a bonafide teacher in that school. She attended the Office of Tehsildar and also the Office of Treasury Officer 29 times. As the averment is made by an affidavit and as the respondents have not challenged this affidavit, I have to accept the submissions made in the affidavit.

3. The case was considered on 20.3.98 with a direction for issue of notice. On 21.5.98, respondents did not appear. They did not appear also on the next dates on 22.7.98, 23.7.98 and 17.8.98. Ld. counsel for applicant categorically states in the Bar that the additional affidavit has also been served on the respondents. Thereafter on 8.10.98, this court recorded that the respondents failed to appear and as a matter of indulgence, one last chance was given. None has appeared even today. In the result, this O.A. is disposed of ex-parte after hearing the ld. counsel for applicant and going through the pleadings on record.

4. Chapter 10 of the CCS(Pension) Rules refers to sanction of family pension in respect of deceased pensioners. Rule 81 mandates the Head of Office to ascertain whether any family pension is payable in respect of the deceased pensioner, if necessary, in consultation with the Accounts Officer. In this case, the deceased pensioner is survived by a widow who is the applicant and who is eligible for grant of family pension under Rule 54 of the Family Pension Scheme of 1964. Accordingly, the amount of family pension as indicated in the Pension Pay Order shall become payable

NA

to the widow from the date following the death of the pensioner. Ld counsel for applicant states that the claim in form no.14 has been filed on 19.3.76 because according to him all the papers were forwarded to the Tehsildar for enquiry and verification and the Treasury Officer would not have done that if the claim papers were not regularly filed.

5. It appears to me that this is a case of utter indifference and unexplained delay for over two decades in the case of a poor widow. The only way left open to this court is to give a direction to respondent, the Chief Secretary, Delhi Administration, Govt. of N.C.T. to pass an order of family pension payable to the widow from the date of claim. This is an ex-parte order. If there is any legal infirmity in the claim which totally disables the applicant from receiving the family pension, the respondent is at liberty to mention the same in a speaking order within three weeks from the date of receipt of a copy of this order. If no order is passed in three weeks, it will be assumed that there is absolutely no infirmity or legal impediment in the grant of family pension.

6. I accordingly direct the respondent to compute family pension payable to the applicant from the date of death of Shri Bulagi Ram, the pensioner and pay this amount to the applicant within ten weeks from the date of receipt of a copy of this order, ^{if the claim is in accordance with law} Interest shall also be paid for all these two decades at the rate of 12% per annum. I also direct in accordance with the principles laid down by the Hon'ble Supreme Court in the

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case of Central Cooperative Consumer Store Ltd (Bhabani/Cont, H.L. 1993(3) SCC 214)

that respondent, the Chief Secretary shall conduct an inquiry and identify the persons responsible for delay in payment of family pension for over two decades and he shall recover the interest so payable from the salary and/or any other benefits due to the said employee(s) besides taking such other disciplinary proceedings as admissible under the law. This is a glaring instance where repeated instructions of the Ministry of Personnel to expedite payments in retirement cases have been flagrantly violated. It is a case of a poor defenceless widow who has come to this court to seek relief. Respondent no.1 shall make it as a test case and example to show it to others that the Government means business and that no Govt. official shall treat any citizen of this country, however humble, poor or low he or she might be in the way the officials under Respondent no.1 had treated this widow. This is a startling case where the respondents have kept quiet with utter apathy for a period of two decades depriving the applicant of her just dues under the law.

7. Respondent shall pay a cost of Rs.1,000/- to the applicant and this amount of cost shall also be paid alongwith the pension. This cost shall also be recovered from the salary and other emoluments due to the officer(s) concerned who have been identified after a proper inquiry as responsible for the delay. He may also file a report of compliance of these directions to the Registrar of this Tribunal within two weeks from the

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date of implementation of the directions contained in this order.

8. The O.A. is disposed of as above. No costs.

N. Sahu
(N. Sahu)
Member (A)

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