

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1652/97

New Delhi this the 11th day of February 1998.

Hon'ble Sh. S.P. Biswas, Member(A)

Mrs. Sudesh Bhatia,
W/o late Sh. S.K. Bhatia,
EA/135/2, Tagore Garden,
New Delhi. Applicant

(through Sh. A.K. Gautam, advocate),

versus

1. Union of India through
Secretary,
Ministry of Rural Areas & Employment,
Krishi Bhawan,
New Delhi-1.
2. The Pay & Accounts Officer,
Ministry of Rural Areas & Employment,
Krishi Bhawan,
New Delhi. Respondents

(through Sh. Madhav Panikar, advocate)

ORDER(ORAL)

The short question that falls for determination is whether payment of family pension due to the applicant i.e. widow of the deceased employee could be legally delayed from December 1994 to September 1997.

The applicant, Mrs. Sudesh Bhatia, widow of the husband of late Sh. S.K. Bhatia(ex-Stenographer) is before us since she could not get her dues in respect of family pension in time. After the death of her husband in December 1994, the applicant continued knocking at the doors of the respondents but without any success. She gave representations once in April 1995 and again on 15.6.95 (A-7&A-8). It appears from

materials on record that the respondents decided to wake up only in September 1996 with a communication given to the applicant vide their letter at A-3. A-3 mentions that:-

".....Sanction for the grant of minimum Family Pension of Rs. 375/- (Rupees Three Hundred Seventy Five only) per month plus D.A. relief as admissible from time to time is hereby accorded to Smt. Sudesh Bhatia."

Unfortunately, no action was taken for over yet another 10 months forcing the applicant to approach this Tribunal.

In the counter, the learned counsel for the respondents have submitted that the delay in payment of family pension to the applicant is not due to any deliberate lapses attributable to anyone of the respondents. The delay is entirely on account of an unfortunate incident that took place in October 1992 when the respondents suffered a major devastating fire leading to destruction of many records pertaining to the office of the respondents. The records relating to the deceased husband of the applicant, namely service book, pension file, pension register etc. were destroyed in the aforementioned incident. This was an incident which was not within their control and as such they could not be held responsible for delayed payments.

The issue, therefore, arises as to what could be done in such peculiar circumstances when admittedly delay in payment of family pension has occurred but for which the respondents are not responsible. The fact that the respondents are not at fault for the fire accident is also accepted by the applicant.

It is noticed that the respondents vide their A-3 communication dated 27.9.96 assured payment of the amount quickly thereafter. That communication conveys the sanction of the family pension to the applicant herein. Unfortunately, even after the issue of the said letter nothing moved positively till March 1997 when the respondents had to issue yet another order to take appropriate action in the matter. The provisional family pension was finally paid only on 9.9.97, a few days before the O.A. could be heard on 12.9.97. Apparently, when the respondents had indicated their decision in September 1996 to make the payments, the amount was obviously known and records were accordingly prepared. The delay in payment of the family pension for Rs.34,154/- from September 1996 to 9.9.97, even after the communication of the order, remains unanswered. We are tempted to extract a passage from the judgment of the Supreme Court in the case of Ramana Dayaram Shett Vs. International Airport Authority (1979) 3 SCC 489) which is as follows:-

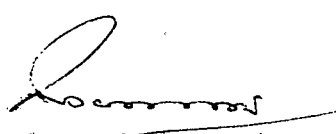
"It is well settled rule of administrative law that an executive authority must rigorously hold to the standards by which it professes its action to be judged and it must scrupulously observe those standards on point of invalidation of an act in violation of them."

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The Supreme Court called out the aforequoted rule from the judgment of Mr. Justice Frankfurter in *Viteralli Vs. Saton* (359 US 535) which was a case relating to dismissal of an employee from service. The principle enunciated in *Ramana's* case has been extended to service jurisprudence by the Apex Court in *B.S. Minhas Vs. Indian Statistical Institute* (1983) 4 SCC 582).

The respondents have thus failed to act on their own orders. It is only on account of the failure of the respondents in implementing their own orders of September 1996 that the applicant has been forced to incur avoidable expenditure in litigation. It is in the interest of justice, I direct the respondents to pay the interest at the rate of 12% over the aforesaid amount for the period from 27.9.96 till the payment is made. This shall be done within a period of two months from the date of receipt of a copy of this order.

The O.A. is disposed of as aforesaid. No costs.


(S.P. Biswas)
Member (A)

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