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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Q.A.NO.689/94

New Delhi, this the 19th day of April, 1995

Hon'ble Shri J.P. Sharma, Member (J)

Smt. Sukhiya,
w/o late Shri Ram Swaroop
(Ex-Mate Gang No.7, under P.W.I Gurgaon
Northern Railway)

r/o Village and Post - Dhankot
Distt. Gurgaon.

...Applicant

By Advocate: Shri B.K. Batra

Vs.

Union of India, through

1. General Manager,
Northern Railway,
Headquarters office,
Baroda House, New Delhi.

2. Divisional Rail Manager,
Northern Railway,
Bikaner.

...Respondents

By Advocate: Shri R.L. Dhwan

ORDER (ORAL)

Husband of the applicant late Shri Ram Swaroop was an employee in the Railway. He was Mate under P.W.I Gurgaon. He was a contributory to the Provident Fund scheme. He died in the year 1986. The Railway introduced ex-gratia scheme in the year 1986. In pursuance to that, the applicant applied for grant of ex-gratia payment

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in March, 1992. She also made certain representations thereafter and her case was not considered by the respondents, so she filed this application on 4.4.94. The respondents after filing of this application, ^{claimed} have made ~~over~~ payments as due on 12.12.94 to the applicant in view of Railway Board circular of 1989. In support of this, the respondents have attached to the counter the document as Annexure R-1.

The relief prayed for by the applicant in this application is for the grant of ex-gratia payment and dearness relief w.e.f. 1.1.86 and also ~~claimed~~ payment of interest on the arrears.

The application now survives only with respect to the relief for grant of interest on the arrears of ex-gratia and dearness relief payment.

I heard Shri B.K. Batra for the applicant and Shri R.L. Dhawan for the respondents. The main relief has been granted before the decision of this D.A. itself and it appears to be in pursuance to interim order passed on 31.8.94. The contention of the learned counsel for the applicant is that the respondents deliberately withheld the payment as the record was available because sooner the order of 31.8.94 was passed, the respondents processed the

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payment of ex-gratia amount. This aspect cannot be accepted as such. The employee husband of the applicant died in the year 1986. The record takes sometime to be traced out. It can be traced in a day, it cannot be traced in months. If the order of the Tribunal ^{administration} ~~administration~~ the machinery of the ~~Tribunal~~ to trace out the old record of 1956 then it cannot be said to be an administrative lapse on the part of the respondents. The Govt. exchequer cannot be unnecessarily taxed for unnecessarily enrichment in circumstances of the present case by payment of interest. Though sympathizing with the old lady, she herself came before the Tribunal in the year 1994 having applied for ex-gratia payment in the year 1992 and the amount has itself been paid in December, 1994. In such a situation, it cannot be said that there has been abnormal delay on the part of the administration to process the case of ex-gratia payment to the applicant in view of circular of Railway Board of 1988.

The application therefore becomes infructuous as the ex-gratia payment has already been made and this is not a case where the interest can be granted to the applicant for some delay in payment of ex-gratia payment. The application is accordingly disposed of with no order as to costs.

J. P. SHARMA

(J. P. SHARMA)
MEMBER (J)