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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, DELHI.

Regn. No. OA 395 of 1989

Date of decision: 11.7.89

Smt. Sukoo

Applicant

Vs.

Union of India & Another

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Respondents

PRESENT

Shri R.K. Kamal, counsel for the applicant.

Shri Inderjeet Sharma, counsel for the respondents

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Hon'ble Shri B.C. Mathur, Vice-Chairman.

This is an application under Section 19 of the Administrative Tribunals Act, 1985 filed by Smt. Sukoo, widow of late Shri Khachera, Ex-Chowkidar under the Divisional Rail Manager, Northern Railway, Allahabad, against the non-payment of family pension on the death of Shri Khachera on 10.7.78. The request of the applicant is that her husband died while in service on 10.7.78 and she has been left without any resource to earn her livelihood. In spite of all the efforts she has not been able to get any family pension and other final settlement dues. The applicant has received Provident Fund amount of Rs. 10,519/- and gratuity amount of Rs. 5091.82 but she has to get family pension from 11.7.78. The balance amount of Provident Fund, balance amount of CDR and gratuity and insurance account and encashment of leave have not been paid to the applicant.

2. No details of her representation to the railway authorities are available. The respondents in their reply have stated that D.R.M. (Allahabad) issued the P.P.O. on 27.12.82 to the Treasury Officer, Khurja, but it appears that the applicant for some reason did not draw the pension. On receipt of a representation from the applicant, the G.M., Northern Railway,

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wrote a letter to the Treasury Officer, Khurja, giving the details of the P.P.O. and asking him to intimate the circumstances under which the family pension has not been paid so far. The learned counsel for the respondents has stated that the applicant has already received the full amount of Provident Fund and D.C.R.G. but admitted that family pension and an amount of Rs. 5000/- on account of insurance has to be paid. The amount of Rs. 5000/- is lying as undisbursed and readuit memo for payment has been prepared and they are arranging payment to the applicant.

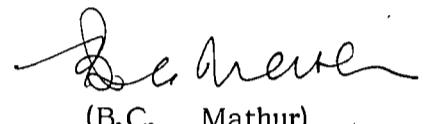
3. Learned counsel for the applicant has stated that applicant has suffered greatly as she has not received any pension for the last 10 years and that she should be allowed all the benefits with interest. Learned counsel for the respondents statd that there has been no laxity on the part of the railways. They have passed P.P.O. as far back as in 1982 but it is not known why the amount due to the applicant has not been received by her from the Khurja Treasury.

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4. The family pension should have been paid to the applicant in 1978 itself. It is not known why the PPO was issued in 1982. It is also not known when the applicant had submitted the papers for family pension. There are no papers with the applicant to indicate any details. She is also not present in the court but is reported to be sick at her son-in-law's house. There may not be a case for awarding penal rate of interest on delayed payment, but in any case the money which should have been paid to the widow is lying with the respondents and they are earning interest on the same. As the circumstances under which the payments could not be made are not clear, it is directed that the respondents may take action to make the payment of Rs. 5000/- of insurance money and all the amount due on family pension and other benefits to the applicant within a period of



three months from the date of receipt of order. If necessary, the respondents may depute one of their Welfare Official to sort out this matter and ensure that the due money is paid within a period of three from the receipt of this order. The Respondents should also pay interest at the rate of 7% on all the amount payable, to be calculated from the date, the amount had become due for payment i.e. 11.7.78. The application is disposed of accordingly. There will be no order as to costs.


(B.C. Mathur)

Vice-Chairman