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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO.786/90

New Delhi, the this 22nd of August, 1994

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

Hon'ble Shri P.T. Thiruvengadam, Member(A)

1. Shri Verinder Jit Singh,
s/o Shri G.B. Singh,
r/o 138-B, D.D.A. Flats (MIG),
Rajouri Garden,
New Delhi.

2. Shri Gurmeet Singh,
s/o Shri G.B. Singh,
r/o 138-B,
D.D.A. Flats (MIG),
Rajouri Garden,
New Delhi.

... Applicants

(Shri Gurmeet Singh, Advocate)

Vs.

1. Union of India
through the
Secretary,
Ministry of Railways (Railway Board),
Rail Bhawan,
New Delhi.

2. Divisional Railway Manager,
Kota Division,
Western Railway,
Kota Junction,
Rajasthan.

... Respondents

(Shri O.N. Moorli, Advocate)

ORDER (oral)

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

The short point is involved whether the applicants who obtained succession certificate of the Estate of the deceased Miss Kailash Kanta who died in employment of the Railway as a School Teacher in the year 1979. In the succession certificate, a copy of which has been filed, 4 amounts have been shown to be payable to the applicants. These are the balance of the G.P.F. contribution by the deceased employee

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during her life time with provident P.N. No.1597006;
the amount of Group Insurance Scheme is Rs.5,000/-;
a sum of Rs.946.70 unpaid salary for the period of
July and August 1979 before her death and lastly
Rs.1000/- on account of C.D.S. lying with the respondents.

2. The applicants as Nephews of the deceased employee approached the respondents Railway on the basis of the succession certificate dated 17.12.1985 and claimed payments. However, the applicant Shri Gurmeet Singh who appeared in person and argued has stated that upto date interest on the G.P.F. amount and Group Insurance Scheme has not been paid and also salary of Rs.946.70 and Rs.1000/- as C.D.S. have not been paid. The applicants have also claimed a number of other reliefs in the present application. But during the course of the hearing the applicant Shri Gurmeet Singh on his own behalf and on behalf of the brother, Applicant No.1 Shri Verinder Jit Singh given a statement that he is not pressing reliefs at sub para 4,5,6 and 7 of Para 8 of the application and also pressing the reliefs in sub para 1 to 3 of para 8. These reliefs prayed for are quoted below:

- (i) Grant of interest at the rate of 18 percent on the following payments from the date they became due i.e. 1.9.1979 till the date of actual payment
 - (a) P.F. accumulations;
 - (b) Insurance payment of Rs.5,000/-
- (ii) Payment to us of the unpaid salary of our deceased Aunt for the month of July and August, 1979 with interest at the rate of 18 percent thereon till actual payment;
- (iii) Payment to us of C.D.S. amount of Rs.1,000/- with interest thereon at the rate 18 percent till the date of actual payment.

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3. The respondents in their reply dealt with mostly with the payment of gratuity it has not been pressed now by the applicant. In the reply it is stated that a sum of Rs.9331/- towards the P.F. settlement was paid on 2.1.1987 and Rs.5,000/- towards Group Insurance Scheme was paid on 6.1.1987. The applicants have not alleged in the application that they were nominated as beneficiaries in the Group Insurance Scheme of this amount. therefore will fall due only when the applicants are held by the Civil Court entitled to this amount by virtue of the succession certificate. Towards the amount of the unpaid salary, the respondents have undertaken to discharge the liability to pay the amount provided the applicants furnish the necessary formalities. There is no mention regarding C.D.S. amount either acceptance or denial.

4. In the rejoinder the applicants have reiterated the points taken in the O.A.

5. We have heard the applicant Shri Gurmeet Singh in person and Shri O.N. Moorli for the Railways. The amount in the G.P.F. earns interest. The interest shall be earned on the deposit from year to year till the payment. It is the own money of the contributor which ^{contributor} is entitled to be paid, with the laid down ~~rate~~ on interest for the particular year. It is not clear whether the amount of Rs.9331/- was paid to the applicants with upto date interest on the date of payment thereon. In fact the applicants in the succession certificate obtained by them though did not mention the fact of interest clearly when the amount is in deposit in scheme where the interest is payable on yearly basis. The interest after the lapse of a year becomes part of the principal. As such the

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applicants are entitled to the payment of interest at the admissible rate in the prevalent years.

5. The applicants, however, not entitled to any interest on Group Insurance Scheme of Rs.5,000/- as neither they have filed any original declaration that they were nominated by the deceased employee nor they have filed any documents on record to this effect. Thus, the claim of interest on this amount is **unjustified** and cannot be granted.

6. Regarding unpaid amount of Rs.946.70 and the amount of C.D.S. i.e. Rs.1000/-, the respondents are under duty to pay the same. On the C.D.S. amount of Rs.1000/-, the applicants shall be entitled to interest at the rate of 6% from the date when it fell due i.e. from September 1979 till the date of payment to the applicants and after 1990 the amount of interest will be at the rate of 10% till the date of payment. The interest rate of 6% and 10% have been taken into account to compensate the applicants having been deprived of the amount due to them by virtue of the succession certificate and it remained with the respondents. The respondent cannot deny the claim of interest of the applicants because they should have paid this amount when demand was made with the succession certificate in which the applicants were held the legal representative of the deceased employee. Since they have not paid the amount, the applicants therefore can claim the same when it was due to the deceased herself had she been alive.

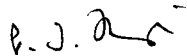
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7. Regarding the amount of salary of Rs.946.70 the applicant also cannot get any benefit of interest from the date when it fell due because the brother of the deceased employee was alive and according to Hindu Law nephew cannot supercede the right of the brother at that time. It was only by virtue of succession certificate dated 13.12.85 when the applicants were entitled to this amount. Withholding of this amount by the respondents after this date is unjustified and the applicants to be compensated by payment of interest from 1.3.1986. The applicant is entitled to interest of this amount of Rs.946.70 at the rate of 6% from 1986 to 1990 and thereafter at the rate of 10% till the date of payment.

8. The respondents ^{are} ~~shall~~ be directed to ^{pay} calculate the aforesaid amount of interest as directed above and convey the same to the applicants within the period of six months from the date of receipt of copy of this order.

The application is disposed of accordingly with no order as to costs.

P.J. 

(P.T. THIRUVENGADAM)
MEMBER(A)



(J.P. SHARMA)
MEMBER(J)

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