

Reserved

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 1st day of May 2000.

Coram: Hon'ble Mr. S. Dayal, Member (A.)

Original Application No. 697 of 1996.

Bhim Sain Taneja
son of Late Shri Udai Bhan Taneja,
Resident of 193-C Lal Bangla Road,
P.O. Harjinder Nagar,
Kanpur-7.

- - - Applicant

Counsel for the Applicant: Sri K.C. Sinha, Adv.

Versus

1. Union of India,
through Engineer-in-Chief's
Branch Army Head Quarter,
Kashmir House, D.H.Q.
New Delhi.
2. Chief Engineer,
Central Command, Lucknow-226002.
3. Chief Engineer,
Air Force Bamrauli, Allahabad.
4. Commander, Works Engineers,
Air Force, Chakeri, Kanpur-8.
5. Garrison Engineer,
B/R Chakeri, Kanpur-8.

- - - Respondent

Counsel for the respondents: Sri Prashant Mat

Order (Reserved)

(By Hon'ble Mr. S. Dayal, Member

This application has been filed for seeking

a direction to the respondents to grant 1/3 share

G.P. Fund, Gratuity, leave salary, paid salary

Group Insurance and interest and compound interest thereon after the death of applicant's father on 9.7.82 in pursuance of the judgment delivered by this Tribunal in O.A. No. 783/1987 decided on 2.9.92. Cost of the application has also been asked for.

2. The facts narrated by the applicant are that his father Udai Bhan Taneja was working as Meter Reader in the office of Garrison Engineer, Chakeri Kanpur. He died in harness on 9.7.82 leaving behind one daughter and two sons including the applicant. The applicant admits to have received his share of G.P. Fund and Group Insurance vide cheques dated 28.12.93 and 2.9.94 respectively. He however claims that an amount of Rs.5720/- which is the applicant's 1/3 share of gratuity has not been paid to him. He also mentioned that unpaid salary for nine days amounting only to Rs.50-10 Paise/has been passed by the Controller of Defence but the share of the applicant has not been paid to him. He claims that though the final settlement of G.P. Fund account was made on 1.2.85, the payment of the applicant's share was made only in December 1993 and therefore he should be paid compensation for loss of interest along with compound interest. In addition the applicant has claimed that he has not been paid his share of leave salary which worked out to Rs.3000/-.

3. The arguments of Sri Ashish Srivastava, brief holder of Sri K.C. Sinha for the applicant and Sri Prashant Mathur for the respondents have been heard. The written arguments filed by learned counsel for the applicant have been considered along with other pleadings on record.

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4. The first claim of the applicant is for payment of interest as well as compound interest on account of late payment of G.P.Fund and Insurance amount. The applicant himself admits to have received these amounts in December 1993 and September 1994 respectively. The applicant's claim for interest as well as compound interest due to late payment can not be entertained now on account of the gap of nearly two years in making claim after having received payment.

5. The applicant's claim for his share of gratuity has been pending according to respondents for want of certain documents to be furnished by the applicant. This has been intimated to the applicant on 20.3.95 in a letter of the respondents in response to his notice under 80 C.P.C. Prior to that in a letter of Garrison Engineer (Chief Engineer) dated 25.11.93 it has been mentioned that indemnity bonds have been asked for from the three legal heirs out of which two legal heirs i.e. both the sons had furnished indemnity bonds while the third legal heir- the daughter of the deceased did not do so. The respondents have mentioned that claim forms were sent to the applicant but have not been returned by him. The applicant states that he as well as his brother had filed the claim forms and his brother has been paid. Therefore it is clear that payment of the applicant share of gratuity could have been made to him by the end of 1993 withholding the payment beyond 1993 is not justified.

6. As regards payment of encashment of leave salary as well as payment of salary of the deceased on the days he worked, is claimed to have been made by the respondents and contested by the applicant that the same has been made. If the respondents have made this payment, they must be having receipt of

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the applicant for the same.

7. The respondents are directed to make payment of the applicant's share of gratuity within a period of three months from the date of receipt of this order along with interest calculated at the rate of 12% from 1.1.94 onwards on the applicant's share of gratuity.

8. As regards the payment of applicant's share of encashment of leave and duty pay, the respondents may send either a photo copy of the receipt of the applicant within a period of three months from the date of receipt of this order or if there is no receipt and proof of payment with the respondents, make the payment of the applicant's share of encashment of leave and duty pay of the deceased within a period of three months from the date of receipt of the copy of this order along with 12% interest on the same till the date of receipt / The costs of the application shall be paid to the applicant as per rules.


Member (A.)

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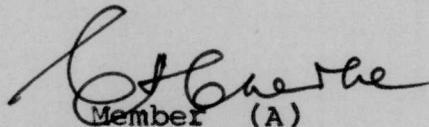
MA 320/02
OA 697/96

30-1-2002

Hon'ble Mr. C.S. Chadha, A.M.

Nonr for the applicant. Sri Prashant Mathur,
counsel for the respondents.

2. MA No.320/02 is for keeping the order of the
Tribunal passed on 1-5-2000 in OA No.697/96 in abeyance
till the beneficiary completes the required formalities
^{essential}
~~for complying~~ with the order as outlined in Paras 7 and 8 of
the order. The counsel for the respondents has brought
to the notice of the Tribunal that payments cannot be
made unless the applicant completes certain formalities.
Necessary communication for this purpose has been sent
to the applicant but he has not responded. In view of
this the MA stands allowed. The order may be complied
with as soon as necessary formalities are ~~completed~~
completed on behalf of the applicant. MA is disposed of
accordingly.


Member (A)

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