

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 16th day of February, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 1458 OF 1998

Smt. Malti Devi,
aged about 60 years,
widow of late Shri Prem Binari Lal,
(Retired Driver),
r/o C/O Shri Rameshwar Prasad Saxena,
House No. 193, Golonelganj,
Allahabad.

. applicants

(By Advocate Sri Rakesh Verma)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House,
New Delhi.

2. The Divisional Railway Manager (Settlement),
Northern Railway,
Lucknow.

. Respondents

(By Advocate Sri A.K. Gaur)

O_R_D_E_R_ (ORAL)

(By Hon'ble Mr. S. Dayal, A.M)

This application has been filed for a direction to the Respondent no.2 to re-fix the monthly pension of the husband of the applicant and other retiral benefits after calculating average pay at the rate of 75% Running Allowance as pay and to pay the difference of arrears thereof w.e.f. 1.6.1984.

A direction to the Respondent no.2 is also sought to pay family pension according to the revised rate

fixed after calculating the average pay @ 55% Running Allowance as part of the pay. A direction has also been sought to the Respondent no.2 to pay interest @ 18% per annum on the arrears along with Rs.2000/- as costs.

2. The facts stated by the applicant are that her husband was working as Driver and belonged to the category of Running Staff. He worked till his superannuation on 31.5.84. At the time of his superannuation, he was drawing basic pay of Rs.675/- in the pay-scale of Rs.425- 700/-. The husband of the applicant died on 4.2.95. The Respondent-2 calculated the pay of the applicant's husband at Rs.675/- after adding 55% as Running Allowance instead of adding 75% as Running Allowance. The pension of the applicant's husband was fixed at Rs.692/-per month plus Dearness Relief. The applicant's husband preferred a representation dated 15.6.87.

3. Heard Sri Rakesh Verma, learned counsel for the applicant and Sri A.K. Gaur, learned counsel for the respondents.

4. The learned counsel for the applicant referred to Para-5 of the short counter reply of the respondents and admitted the payment of D.C.R.G. as well as revised pension payment order along with arrears. He has also admitted the payment of Family Pension as admissible with effect from 1.1.96.

5. The only dispute remains regarding the payment of amount of commutation as also interest on delay in payment.

6. With regard to the payment of interest, the learned counsel for the applicant has submitted that since the pension of the applicant's husband was fixed before 5.12.88, he should have been given on the basis of addition of 75% towards Running Allowance and, thus, the interest is payable from 5.12.88. The applicant had raised this issue with the respondents as early as 15.6.87 through a representation. The applicant was made to file an O.A. No.60 of 1998 for adding 75% as Running Allowance and for payment of arrears w.e.f. 6.8.88 at 18% per annum on the arrears. This O.A. was dismissed with the observation that the applicant had not made any representation to the respondents before approaching the Tribunal and, thus, had not availed remedy for redressal available to her by making a representation. The applicant thereafter made a representation on 25.5.98 in response to which the payment has been made to her on 6.5.99 and the payment of commutation of pension of Rs.2,385/- has not yet been made.

7. Under the circumstances, the Respondents are directed to make payment of commutation of pension of Rs.2,385/-, as mentioned in the Short Counter Reply immediately on receipt of a copy of this order. They shall also make payment of Rs.5,000/- towards compensation for late payment of the arrears to the applicant and the applicant shall also be entitled for payment of costs of Rs.650/-. The said payments shall be made within three months from the date of receipt of a copy of this order.


(S. DAYAL)
MEMBER (A)