

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 21st day of MARCH 2005

Original Application no. 847 of 2004

Hon'ble Mr. K.B.S. Rajan, Member (J)

Smt. Nanhki Devi, W/o late Radhey Shyam,
Ex. Gangman, R/o Vill. Phulwaria, P.O. Jigna-
Naroyya,
MIRZAPUR.

...Applicant

By Adv : Sri S. Ram

V E R S U S

1. Union of India through General Manager,
N. C. Railway, Allahabad.
2. Divisional Railway Manager,
N. C. Railway, Allahabad.
3. Sr. Divisional Personnel Officer,
N. C. Railway, Allahabad.
4. Sr. Divisional Finance Manager,
N. C. Railway, Allahabad.
5. Branch Manager, Allahabad Bank,
Hargarh Branch, Distt. Mirzapur.

... Respondents.

By Adv : Sri S.K. Rai

O R D E R

By K.B.S. Rajan, JM

Heard Sri S. Ram, learned counsel for the applicant and Sri S.K. Rai, learned counsel for the respondents.

2. This is the second round of litigation. In the earlier one, the Tribunal has passed the following order:-

"With the above facts, circumstances and the law as well as the rules in view, I find it a fit case to direct the respondents to re-open the matter,

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consider the case of applicant no. 1 for providing her family pension and for applicant no. 2, to provide him a job on compassionate ground and thereby the respondents are directed to pass detailed reasoned and speaking order in the light of the above observation within 3 months from the date of communication of this order with a copy to the applicants. No order as to costs."

3. Appeal preferred by the respondents against the aforesaid order before Hon'ble High Court was rejected.

4. In compliance of the aforesaid of the Tribunal dated 28.3.2000, the respondents have paid an amount of Rs. 1,65,143/- as arrears of family pension. The applicant has now claimed compound interest @ Rs. 18% on the delayed payments on principal amount of family pension from the date it became due and interest on the interest accrued on the delayed payment of principal amount.

5. Admittedly, a sum of Rs. 1,65,143/- has been paid to the applicant as arrears of family pension. May be that the PPO would have been lost by the Bank and duplicate PPO was got issued as submitted by the respondents. But in so far as the interest part is concerned it is in respect of the arrears which dates back to the date of death of the spouse of the applicant and for that the Bank cannot be held responsible. Again, in such matter, it is for the respondents to make the full payment of interest and if the mistake is on the part of the Bank, to claim proportionate amount from the Bank. The individual has no locus to claim the interest from the Bank. The respondents can well sue the Bank for deficiency in service if they are so advised. The interest accrued shall therefore, have to be paid by the respondents.

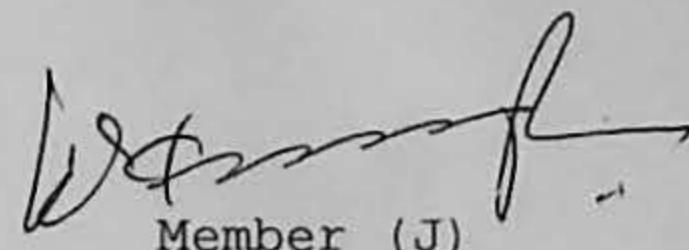
6. Again, interest payable dates back to the date when the Family Pension became due, as right to receive the family pension by the applicant in this

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case has not accrued from the date of judgment of the Tribunal or that of the Hon'ble High Court. It was on such date that the entitlement to the Family Pension was confirmed and since the arrears have been paid to the tune of Rs. 1,65,143, the respondents are liable to pay the interest in accordance with law from the date the family pension became due. The respondents cannot absolve themselves from the liability of interest on the delayed payment.

7. The OA, therefore, succeeds and allowed. The respondents are directed to calculate interest on the delayed payment of pension at the rate specified in the rules and accordingly make the payment of interest to the applicants. This drill shall be preformed within a period of six months from the date of receipt of certified copy of this order.

8. There shall be no order as to costs.



Member (J)

/pc/