

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

TUESDAY, THIS THE 25TH DAY OF MARCH, 2003

ORIGINAL APPLICATION NUMBER:- 414 OF 1999

HON. MRS. MEERA CHHIBBER, MEMBER (J)

Smt. Birdhi Devi,
w/o Late Shri Jokhu Singh,
r/o Village Bawara Post
Office Banjaripur,
District :- Ghazipur.Applicant.

(By Advocate:-Shri V.K.Chandel)

Versus

1. Union of India through
General Manager Government opium
and Alkalied factory Ghazipur,
UTTAR PRADESH.
2. Pay and Accounts Officer Government Opium
and Alkalied Factory Ghazipur.
3. Director, Central Industrial Security force
13, C.G.O Complex Lodhi Road,
New Delhi-3
4. Pay and Accounts Officer Central Industrial
Security Force, 13 C.G.O. Complex Lodhi Road
New Delhi-3.

... ... Respondents.

(By Advocate:- Km. Sadhna Srivastava
Shri D.S.Shukla)

ORDER

By this O.A applicant has claimed the following reliefs:-

- (a) issue an order or direction of suitable nature directing the respondents to grant and pay family pension to the applicant since 27-7-1993 alongwith interest permissible under the law and further directing them to pay future pension as and when it becomes due from month to month.
- (b) to issue any other order or direction as this Tribunal may deem fit and proper in the facts and circumstances of the case.
- (c) award cost of the application to the applicant

8

2. In the instant case it is not disputed by either of the parties that applicant's husband was working as a Gaurd in Government Opium and Alkalied Factory, Ghazipur, Uttar Pradesh. He retired in 1961 and was being paid pension from the said office. The dispute has arisen only after the applicant's husband died on 26-7-1993 because thereafter the widow of the applicant who is the widow of deceased employee late Jokhu Singh has not been paid the family pension. According to applicant she applied for family pension vide letter dated 5-10-1993 (page 10). On 29-12-1993 the General Manager of the Government Opium and Alkalied Factory, Ghazipur, Uttar Pradesh undertaking wrote to the Accountant General (Accounts Section) P.E.(C) I U.P. Allahabad requesting therein that the family pension in favour of applicant may be sanctioned. As her husband Shri Jokhu Singh was drawing pension at Rs. 375/- per month according to order I.D/3037 up to the date of his death 26-7-1993 but for reasons best known to the respondents, the applicant has not been given the family pension, therefore, she had no other option but to file the present O.A.

3. I have heard all the counsel and perused the pleadings.

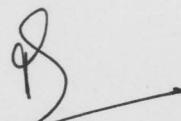
4. Counsel for the respondent no. 1 and 2 has simply stated in the reply that the O.A is barred by limitation and they had written to the office of AG but the papers were returned back with the observations that the case should be taken up with Central Pay Accounts office, New Delhi. Thereafter respondent no. 1 sent letter to the respondent no. 2 but since the matter has not been settled by the Central Pay

and



and Accounts Office hence no action could be taken on applicant's representations dated 22-2-1999. They have also submitted that the post of Gaurd was merged in CISF hence papers regarding grant of family pension of the petitioner may be sent through Pay and Accounts Office, Gwalior and Lucknow Office. Counsel for the respondent nos. 3 and 4, on the other hand, has submitted that applicant's husband was never the employee of CISF and when he retired, CISF was not even in the picture, therefore, they have no role to play in the present case ~~is~~ if at all applicant is entitled to the family pension, it has to be given by the employer where applicant's husband was working at the time when he retired. They have, therefore, submitted that they ^{and} ~~been~~ ^{been} have wrongly ~~being~~ impleaded as respondents in this case.

5. Respondent no. 1 and 2 have annexed number of letters to show that they had been corresponded with various authorities to sanction the family pension of applicant but the net result is zero. If the arguments of both the counsel for respondent no. 1 and 2 & 3 and 4 are seen together it emerges out that both are trying to shift the blame of each other without stating as to what is the ultimate decision taken by them. It is not the case of respondents that applicant is not entitled to family pension. If that be so, then in my considered opinion, the applicant can not be made to suffer indefinitely or ~~we may~~ ^{made} to run from pillar to post, as there is a duty cast on the employer to get the family pension sanctioned from the appropriate authority, if the person is entitled for same. In the instant case the letters annexed with the petition and the counter suggest that respondents themselves are agreeing that applicant is entitled to the family pension

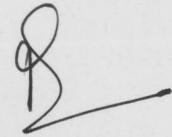


therefore, I see no reasons as to why the respondent no. 1 and 2 should not take effective steps to get the family pension sanctioned in favour of applicant within a stipulated period where ^{from & even &} the pension is to be sanctioned

whether by the Pay and Accounts Department of the Department concerned or Central Pay and Accounts office in New Delhi. It is definite that the said office will act only on the basis of information furnished by the respondent no. 1 and 2 because admittedly applicant's husband was the employee of respondent no. 2 and had even retired from the said factory at which relevant point CISF was not even in the picture. Anyway without going into the question as to who is actually responsible for sanctioning the family pension of applicant, this O.A is disposed of by giving a direction to the respondents no. 1 and 2 to take whatever steps are necessary for getting the family pension of applicant sanctioned within a period of three months from the date of receipt of a copy of this order. In case some papers are required to be signed by the applicant they would get it signed by calling the applicant in their office and see to it that the applicant is given not only her family pension prospectively but is also given the arrears of family pension from the date when her husband had expired i.e., on 27-7-1993. In this case it is seen that respondents have delayed the payment of family pension without any justification, therefore, applicant would be entitled to get the cost of Rs. 5000 against respondents No. 1 and 2. Normally I do not give cost but in cases like this, where persons who are senior citizen and are illiterate are dragged to the court unnecessarily, I think some compensation needs to be given, ~~in such cases~~.



Accordingly this O.A is disposed of with a cost of Rs. 5000
in favour of applicant and against respondent no. 1 and 2.



Member(J)

Madhu/