

open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 1457 of 2002.

this the 8th day of January 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Chhabi Devi, w/o late Shri Badrinath Patel, R/o 81/1, Central
Excise Colony, Mawayia, Saranath, Varanasi.

Applicant.

By Advocate : Sri M.K. Sharma.

Versus.

1. Union of India through Secretary, Ministry of Finance,
Department of Revenue, Lok Nayak Bhawan, New Delhi.
2. The Dy. Commissioner, Custom Division, Gorakhpur.
3. The Assistant Commissioner of Custom (HQ), Lucknow.
4. The Pay & Accounts Officer, Central Excise Commissionerate,
Allahabad.

Respondents.

By Advocate : Sri R.C. Joshi (absent)

O R D E R (ORAL)

By this O.A., the applicant has sought a direction to the respondents to pay family pension to the petitioner from the date of death of her husband at the rate equal to pay last drawn by the husband of the petitioner with 18% interest.

2. The applicant's counsel has drawn my attention to the various letters written by the respondents themselves, which show that the applicant's husband had died on 26.3.1991 while chasing the Smugglers in a Government Jeep and he was crushed to death by the Smugglers' Truck No. UPK-9202 and the same was communicated to the Under Secretary AD-IV-A, New Delhi vide C.No.II (25)128-pen/Misc./part/98 in response to his letter C.No. 19017/33/200 AD-IVAI/ dated 19.5.2000,

but in spite of several letters written to the higher authorities to decide the case of the applicant for family pension, till date neither any final order has been passed by the respondent no.1, nor she has been paid the family pension. It is submitted by the applicant that she moved the last representation on 16.9.2002, but since the respondents are not even deciding her representation, she has no other option, but to file the present O.A.

3. I have heard the applicant's counsel and perused the pleadings as well.

4. It is seen that the applicant has given all the facts in her representation dated 16.9.2002 (page 13) and there are also several letters which show that the respondents had been corresponding with the applicant to fill-up the form so that the necessary action may be taken with regard to release of family pension. For example, Pay & Accounts Officer, Central Excise Commissionerate, Allahabad, had written to the Dy. Commissioner, Customs (p) Division, Gorakhpur as way back as on 5.7.2001 with a copy to the applicant for family pension in terms of G.I. Deptt. P&PW OM No. 33/5/89-P&PW(K) dated 9.4.1990 liberalized pensionary award is admissible to Smt. Chhabi Devi w/o late Sri Badri Nath Patel and in terms of para 4 of the O.M., she is entitled to family pension at the rate equal to the pay last drawn by her husband i.e. Rs.969/- on the date following the date of Death (26.3.91) of Sri B.N. Patel i.e. w.e.f. 27.3.91 till her death or remarriage which ever is earlier. Thereafter, the Dy. Commissioner, Headquarters, Customs Headquarters, had written a letter to the Under Secretary, AD-IVA, Govt. of India, Ministry of Finance on 12.10.2001 to finalise the case, so that Smt. Chhabi Devi may be informed accordingly (page 44). Thereafter, another letter dated 24.1.2001 was written by the Dy. Commissioner, Customs, Lucknow again addressed to Under Secretary AD-IV-A,



Ministry of Finance, requesting them once again to finalise the case so that Smt. Chhabi Devi may be informed accordingly. A copy of this letter was also endorsed to the applicant. It is unfortunate that in spite of the fact that the applicant's husband had been crushed to death while chasing the smugglers in Govt. Jeep ~~as~~ way back ~~as~~ in the year 1991, instead of giving any reward to the widow of late employee, the respondents have not even decided the case of the applicant for grant of family pension, which admittedly is admissible to her as per Government of India O.M. dated 9.4.90 as stated by the pay & Accounts Officer, Central Excise Commissionerate, Allahabad in their letter dated 5.7.2001 (page 48). I do not see any justification as to why the respondent no.1 ^{should take B} so long to decide the case of the applicant in spite of various letters and reminders given to them by the other authorities and in spite of the letter given by the applicant having been forwarded to them. It is unfortunate that the counsel for the respondents was ^{neither} ~~not~~ present yesterday, nor is present today, but looking to the facts from the record, I am satisfied that this case cannot be delayed any further simply because the counsel is not available. I am also satisfied that this case can be disposed off at admission stage itself without giving any notice to the respondents by giving a direction to the respondent no.1 to decide the case, which is still pending with the Ministry within a period of two months from the date of receipt of copy of this order under intimation to the applicant.

5. Since the office of pay & Accounts had already stated in their letter that the applicant is entitled for family pension and she has not been paid the same from the year 1991, this is a case of gross delay on the part of the respondents ^{no. 1} to decide the case of this nature. Therefore, I am awarding the cost of Rs.5000/- in favour of the applicant and against the respondents for not taking an appropriate

B

action and decision in the matter as was expected ^{of} ~~by~~ them
in the given circumstances of the case.

6. With the above directions, the O.A. stands disposed off.



MEMBER (J)

GIRISH/-