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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
A H M E D A B A D B E N N C H
NEW DELHI

O.A. No. 227 OF 198 8
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DATE OF DECISION 22-3-1990.

JAITUNBIBI wd/O. CHHOTU IDOO. Petitioner

MR. V.M. DHOTRE Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondents.

MR. N.S. SHEVDE Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. G.S. NAIR, VICE CHAIRMAN

The Hon'ble Mr. M.M. SINGH, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

Jaitunbibi, Wd/o. Chhotu Idoo,
Residing at Room No. 64,
Nagori Patel's Chawl,
Saraspur, Ahmedabad - 18.

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.... Petitioner.

(Advocate: V.M. Dhotre)

Versus.

1. Union of India,
(Notice to be served on the
Divisional Railway Manager
(Western Railway,)
Pratapnagar, Baroda.

2. Station Superintendent,
Ahmedabad Railway Station
Western Railway,
Ahmedabad.

.... Respondents.

(Advocate : Mr. N.S. Shevde)

J U D G M E N T

O.A.No. 227 OF 1988

Date: 22-3-1990.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

One Chhotu Idoo, a Parcel - Porter Jamadar at Ahmedabad Railway Station, had retired from Railway service on 30.4.1980. He expired on 20.11.86. His widow, Smt. Jaitunbibi, has filed this application for direction to the respondents to pay her Rs. 12,107.15 Ps. of DCRG/Commuted value of pension of her late husband together with interest thereon at the rate of 18% alleging that the payment had been denied to her late husband and to her all along since the respondents issued letter dated 9.7.1980/1.6.1981 bearing No. E.789/10/2/517 directing her deceased husband to collect the said amount from the office of Station Superintendent, Ahmedabad, respondent No.2. She has alleged that her late husband and she all along vainly tried, by making personal approaches

sending representations including legal notice to persuade the respondents to make the payment. It is further alleged that the respondents did not even reply to the legal notice even though the same was followed up by a reminder. As if to add salt to her wounds, the respondents started deducting a sum of Rs. 56.40 Ps. every month from the regular Railway pension of her late husband.

2. The respondents admit that the Divisional Accounts Officer, Baroda, had, vide his letter No. E.789/10/2/517 dated 9.2.1980 advised the late Shri Chhotu Idoo to receive the amount of Rs. 12,017.15 ps. from the Station Superintendent, Ahmedabad. However, it is the say of the respondents that the Senior Divisional Accounts Officer, Baroda, advised that the payment of the said amount had already been received by Shri Chhotu Idoo on 8.1.1980 in the presence of the Station Superintendent, Ahmedabad. This say is stated to be based on the report of the Section Officer (Pension). The respondents therefore deny that the payment in question has not been made. Regarding the allegation about the deduction of Rs. 56.40 ps. per month from the pension lately started, the respondents' say is that they have ordered no such deduction and as the pension is being received through the State Bank of India, Mahuwa Branch, Itawa district, U.P. the Bank has to explain the deduction.

3. We have to reject the stand of the respondents with regard to the payment of Rs. 12,107.15 ps. out of hand on the basis of the respondents' averments in their reply. The respondents say that the Divisional Accounts Officer, Baroda, vide his letter No. E.789/10/2/517 dated 9.2.1980 (emphasis supplied) had advised Shri Chhotu Idoo to receive the amount. He could thus,

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under no circumstances, have received the alleged payment before 9.2.1980. Inspite of this clear position, it is the say of the respondents that the payment was received by Shri Chhotu Idoo on 8.1.1980 (emphasis supplied) in the presence of the Station Superintendent, Ahmedabad. We reject this stand of the respondents with our utmost disapproval especially because the widow of a deceased Railway employee who must herself be very advanced in her age has been waiting for the last about ten years to receive the payment and not only all her efforts to persuade the respondents have been of no avail, it has evoked a reply which does not even serve any facesaving purpose and is patently untenable.

4. A Bench of this Tribunal had given a decision on 4.12.1989: "Taking into consideration the inordinate delay in granting the gratuity amount, we are constrained to pass an order directing the respondents to pay the gratuity amount i.e., Rs. 12,107-15 ps. to the petitioner, if the respondents fail to produce the receipt within one month from this date. We also direct the respondents not to deduct Rs. 56-40 from the pension of the petitioner's husband every month and pay the full pension to the petitioner with immediate effect."

5. The counsel for the respondents has failed to produce the receipt on the ground that the same has not been traced. Even counting from the date of filing of the original application, the respondents have failed, for above of two years, to trace the alleged receipt. We are of the firm view, especially looking to the possible circumstances of the applicant who appears to be an aged widow, to allow the application with the following order:

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6. The Divisional Railway Manager, Western Railway, Pratapnagar, Baroda on whom the notice for the first respondent has been served is hereby directed to make payment of Rs. 12,107.15 ps. with 18% simple interest thereon calculated from 15.2.1980 upto 31.3.1990 both days inclusive within sixty days of the receipt of this order. He is further directed to take immediate steps to ensure that the State Bank, Mahuwa Branch, Itawa district, U.P., makes no deduction from the pension and the full amount of such deductions made in the past is paid to the applicant forthwith.

M. M. L.
24/3/90
(M.M. SINGH)
ADMINISTRATIVE MEMBER

22/3/1990
(G.S. NAIR)
VICE CHAIRMAN

MA/125/88


in


OA Stamp No. 4/88

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member

17/2/1988

Heard Mr.V.M.Dhotre and Mr.N.S.Shevde learned advocates for the applicant and the respondents. Mr.Shevde wants ~~SOME~~ 15 days time to file reply. Allowed. The case be posted on 10th March, 1988 for orders.


(P.H.Trivedi)
Vice Chairman


(P.M.Joshi)
Judicial Member

a.a.bhatt