

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 391 OF 1992
~~**O.A.NO.**~~

DATE OF DECISION 10.8.1998

Smt. Padmaben Ramshankar Pandya, Petitioner

Mr. P.H. Pathak, Advocate for the Petitioner [s]
Versus

Union of India & Ors. Respondent s

Mr. N.S. Shevde, Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman

The Hon'ble Mr. P.C. Kannan, Judicial Member.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

Smt. Padmaben Ramshankar Pandya
At: Bordi Falia
Nr. Patel Bhuvan
At Post: Umreth, Ta. Anand,
Dist: Kaira - 388 220.

.... Applicant.

(Advocate: Mr. P.H. Pathak)

Versus

1. Union of India
Notice to be served through
General Manager (pension)
Northern Railway
Baroda House, New Delhi.

2. FA & CAO (pension)
Northern Railway,
Baroda House, New Delhi.

.... Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 391/92

Date: 10.8.1998.

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

We have heard Mr. Pathak for the applicant and
Mr. Shevde for the Railway Administration.

2. The applicant is aggrieved by the action of the Railway Administration in not paying her the family pension after the death of her husband. She claims that her husband was a pension optee and as such on his death she became eligible for family pension.

3. The applicant seems to have applied for exgratia payment but she ^{was} has informed by the Northern Railway Headquarters on 4.2.91 as at Annexure A-6 that her husband was a pension optee and that she was not entitled for the exgratia payment. She says that once

it is recognised that the husband, who was a Railway servant, was a pension optee, the applicant as ~~is~~ a widow is entitled for the family pension after the death of the husband and as the same was not sanctioned, she has approached the Tribunal. The Tribunal by way of an interim order dated 21.4.93 directed that in the very extra ordinary circumstances, the respondents shall make payment of family pension to the applicant with effect from 1st April, 1993.

4. The matter was taken on Board on a number of occasions and the Railway Administration was directed to indicate the actual position in this regard. They have filed a reply dated 27.7.98 which is taken on record. We find from the annexure to this reply a letter dated 18.2.94 had been ^{sent} seen from the FA & CAO (Pension), Northern Railway to the Manager, State Bank of India, Main Branch, Dist. Kaira authorising him to make payment of arrears of family pension amounting to Rs.10,304/- for the period from 22.9.77 to 31.12.85 and also family pension at the rate of Rs.375/- with effect from 1.1.86 onwards till the death of remarriage whichever is earlier. As the orders were issued in 1994 the Department ought to have informed the Tribunal about this action. In the light of this order, the main relief sought for by the applicant for grant of family pension had been granted by the Railway Administration itself.

5. Mr. Pathak however says that the applicant is entitled to interest & costs on account of delayed payment of pension. He contends that it is the

responsibility of the Railway Administration to disburse the family pension to the applicant soon after the death of the applicant's husband which took place in 1977 instead of doing so only in 1994. He says that in similar case, the Hon'ble Supreme Court has awarded interest for such delayed payment.

6. Mr. Shevde for the Railways states that there was some confusion as the applicant sought for exgratia payment to which she was not entitled. However, after the O.A. was filed and an interim direction was given by the Tribunal, the Railway Administration took action to disburse the amount. He is however not able to fully explain the delay in sanctioning the pension and for not intimating the position to the tribunal despite grant of number of adjournment,

7. In the facts and circumstances of the case and keeping in view the position that the main relief ^{for} since been granted by the Railways, we dispose of the present O.A. directing payment of a lumpsum amount of Rs.3000/- as interest for delayed payment of family pension. We also award costs of Rs. 2000/- to the applicant. This payment should be made within three months from the date of receipt of a copy of this order.

Dhawang

(P.C. Kannan)
Member (J)

VRK

(V.Ramakrishnan)
Vice Chairman