

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 443 of 1991

Date of Decision : 31-1-1992

Smt. Vammi Krishnaveni

Applicant

Versus

Union of India & others

Respondents

For the applicant

Mr. H. P. Rath,
Advocate

For the respondents

Mr. A. K. Mishra,
Sr. Standing Counsel
(Central Govt.)

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C O R A M

HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the opposite parties to forthwith make payment of the arrear monetary benefits due to her husband late V.Narasingha Rao with upto ~~daye~~ interest at the rate of Rs.12 per cent per annum till the date of payment, and for a further direction for providing a job on compassionate grounds.

2. This case came up for admission on 20th November, 1991. I did not feel ~~the~~ necessity of keeping the matter pending long and therefore notice had been issued to the opposite parties on the question of admission and hearing. Before such notice ~~was~~ ^{being} issued, the prayer for appointment on compassionate ground was deleted because the case suffered from pluralities of causes of action, and therefore learned counsel for the petitioner did not press prayer No.3 for compassionate appointment and accordingly it was deleted. The Bench now confines itself to the prayer of the petitioner for settling the payment of arrear dues including the family pension.

3. I have heard Mr.H.P.Ratha, learned counsel for the petitioner and Mr.A.K.Mishra, learned Standing Counsel for the Central Government. No counter has been filed in this case as Mr.Mishra submitted ^{that} he has already received instructions which would ~~to~~ be put forth during his oral submission and accordingly the case be disposed of.

KN.

4. Mr.Mishra submitted that delay in settlement of the arrear dues including payment of family pension was ~~delayed~~^{by} on the account of the fact that a dispute had arisen between the petitioner Smt.V.Krishnaveni and Smt.Annapurna who claim to be the wives of late V.Narasingha Rao. Ultimately they were directed to obtain succession certificate. Vide succession case No. 1 of 1986, the learned Sub-ordinate Judge, Paralakhemundi has granted the certificate in favour of Smt. V. Krishnaveni being the widow of V.Narasingha Rao and on the basis of the succession certificate, an amount of Rs.578.50 towards the arrear pay and allowances and Rs.1687.25 towards the increment and leave salary for 64 days and Rs.10,000/- towards the insurance value of late V.Narasingha Rao has been paid to the petitioner Smt.V.Krishnaveni. The learned counsel for the petitioner submitted that he has not received any instructions from the petitioner that this amount has been paid to her. True, it may be so, but I cannot concede^{Contd} for a moment that the department ~~to~~^{by} give wrong instructions to the learned Standing Counsel and incorrect statement can be made by the departmental authorities. However, if all these amount have since been paid, ~~as~~ the petitioner could have no grievance on this account, and if not paid, all the above mentioned amount should be paid to the petitioner on the basis of the succession certificate within 30 days from the date of receipt of a copy of

of this judgment, failing which the concerned officer defaulting to make ~~payment~~ shall be personally liable to pay interest at the rate of 12 per cent per annum.

5. It was further submitted by Mr.A.K. Mishra, learned Standing Counsel that as regards the family pension and D.C.R.G., all relevant papers have been sent to the Deputy Director of Accounts on 17th December, 1991 and it is expected that the family pension and D.C.R.G. amount would be verysoon settled and perhaps within a month the petitioner will paid such settled amount. It is needhess for me to ~~state~~ that the Hon'ble Supreme Court has already taken a stringent view regarding payment of pension and D.C.R.G. and so much so Their Lordships have held that it is no longer a bounty being paid to a Government servant. Thefefore, it is directed that the family pension and D.C.R.G. payable to the petitioner be settled without any further delay and payment should be made to the petitioner within 45 days from the date of receipt of a copy of this judgment, failing which the defaulting officer will be liable to pay personally interest at the rate of 12 per cent per annum. Thus the application is accordingly disposed of. No cost.


31.1.92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 1992/ B.K.Sahoo

