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O.A. 659/99

Order dated 4.4.2001

We have heard Shri S.C.Das, learned counsel for the petitioner and Shri A.K.Bose, learned Sr. Standing Counsel for the respondents and have perused the records.

In this O.A. the petitioner, who is 83 years old widow of a pensioner under the Respondents 1 and 2 has prayed for a direction to respondents to release family pension in her favour along with 18% interest on arrears. The departmental respondents have filed their counter indicating the present position regarding release of pension as also denying the claim for payment of interest. We have gone through the pleadings.

The admitted position between the parties is that applicant's husband Late Paramananda Tripathy, retired from service as Inspector of Central Excise and Customs on 9.6.1966 and was in receipt of pension. He passed away on 7.2.1998 and the widow, the present applicant, applied for release of family pension on 27.11.1998 (Annexure-5). It further appears that in the Pension Payment Order (PPO) issued in favour of her husband Late Paramananda Tripathy, the name of the applicant was not there. That is why, after a detailed inquiry, including a visit by the Superintendent of Central Excise and Customs, Dhenkanal Range to the village of the applicant, family pension at the monthly rate of Rs.1650/- was sanctioned in favour of the applicant w.e.f. 8.2.1998 in order at Annexure-4. It further appears that as the pensioner, applicant's husband died on 7.2.1998, he was ~~not~~ entitled to enhancement of pension in accordance with the recommendation of the 5th Central Pay Commission, which came into force w.e.f. 1.1.1996. Accordingly the ~~new~~ family pension of applicant's husband was also increased and refixed at Rs.2750/- p.m. w.e.f. 1.1.1996 to 7.2.1998, i.e., the date of death of the applicant's husband. Thus the main prayer of the applicant regarding sanction of family pension has already been <sup>met</sup> ~~made~~ by the Department and the arrear pension of the

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of the applicant's husband has also been revised and necessary orders have been issued. The sole remaining question for consideration is whether under the circumstances the petitioner is entitled to interest on the family pension at the rate 18%, as claimed by her. We find from the ~~xxxxx~~ pleadings of the parties that the applicant's husband retired on 9.6.1966 and he passed away on 7.2.1998. Applicant's husband thus was in receipt of pension for 32 years before his death. During this period he did not take any steps to incorporate the name of the applicant in the P.P.O, so that the family pension could have been determined at that stage itself. Normally along with the pension family pension is also fixed and mentioned in the same P.P.O. It is only after the death of applicant's husband question of sanction of family pension came up in this case. As this was an old case, naturally the departmental authorities took time to finalise the matter. The applicant had retired from erstwhile Combined Collectorate of Bengal and Orissa Central Excise and Customs. In view of the above, we do not think that the departmental authorities are guilty of any avoidable delay in releasing family pension to the applicant. Prayer for payment of interest is accordingly rejected.

In the result, O.A. is disposed of in terms of observations and directions made above, but without any order as to costs.

MEMBER (JUDICIAL)

VICE-CHAIRMAN  
4/4/01

Free copies of final  
order of H. A. issued  
to counsel for  
both sides.

BAM

9.4.01

S.O (J)