

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

16/5
Detailed counter
FM copy served
for further orders

Bench

order dt. 17.5.02

for further orders

23/5
Bench

order dt. 24.5.02

for further orders
~~admission~~

10/7
Bench

or. dt. 11.7.02

for admission and
final disposal.

20/7
Bench

Order dated 11.7.02

Call this matter on
for final disposal at the
admission stage.

31.07.02
25.08.02

Member(s)

Order dated 31.07.2002

Heard Mr. T. Rath Learned Counsel
for the Applicant and Mr. D.N. Mishra,
Learned Standing Counsel for the Railways.

2. This is a case where the widow of
a Railway Employee has prayed for a direction
to the Railways to pay her Family Pension
Benefits; for her husband, a Railway
Employee, died prematurely, on 27.11.1984;
while he was still in service. She applied to
the Railways for terminal benefits on
03.01.1985. As it appears, no heed was paid
to the grievances of the Applicant for a long
time and, ultimately, during 1995 the
Applicant was intimated that benefits, if any,
are available to her from (new) Sambalpur
Division. Despite-that, none of the
grievances of the Applicant were heeded to;
for which the Applicant had to file the
present Original Application during 2001.
Despite notice, no counter was filed; for

which an interim order was passed on 11.03.200 asking the Respondents to grant provisional family pension, as due and admissible, in favour of the Applicant by the end of March, 2002.

3. Today it has been informed by both the parties that by an order dated 21.05.2002 Family Pensionary benefits has been granted in favour of the Applicant and, as a consequence, the Applicant is to get certain Pensionary Benefits every month.

4. A copy of the communication between the Branch Manager of State Bank of India dated 30.05.2002 (addressed to the Divisional Railway Manager (P) of the South Eastern Railway, Waltair) has been produced by the Learned Standing Counsel for the Railways; which is taken on record.

5. At this stage, Learned Counsel for the Applicant submits that the delay in payment in question for over 17 years (from 03.01.1985 till May, 2002) is purely attributable to the Railways and, therefore, the Respondents should be asked to pay interest by the Railways.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Final Copies of order
dt. 31.7.02 may be
handed over to
counsel for both
sides.

19/8

~~Order~~
D.R.

Order

19.08.02

Copies of order
31.7.02 sent to
all members.

19/8

DR
23/8/02
SO

6. Having heard the Counsel for the Applicant and Learned Counsel for the Railways, I am satisfied that the delay in payment of the pensionary benefits to the Widow/Applicant is definitely attributable to the Railways and, therefore, the Applicant should be compensated.

7. In the said premises, this Original Application is disposed of with a direction to the Railways/Respondents to pay interest @ 10% per annum to the Applicant on the arrears of Family Pension paid to her. The interest on the arrears should be paid to the Applicant within 3 months from the date of receipt of the copy of the order.

8. Since interests have been imposed, no cost is imposed in this case.

9. Send copies of this order to the parties.

Lahant
31/07/2002
Member (Judicial)