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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 428 of 2004  
Cuttack, this the 24th day of March 2005


Kapura Murmu ..... Applicant

- VERSUS -

Union of India & others ..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not ? *ND*
2. Whether it be circulated to all the Benches of the *ND*  
Central Administrative Tribunal or not ?

  
( B.N.SOM )  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 428 of 2004  
Cuttack, this the 24th day of March 2005

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

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Smt. Kapura Murmu, aged 60 years, W/o. Late Pitha Murmu,  
At-Jagdarpur, P.O. Ranital, Dist. Bhadrak.

.... Applicant

Advocates for the applicant

.... Mr. S.C. Samantray

Versus-

1. Union of India represented through its General Manager, South Eastern Railway, Garden Reach, Kolkata-43.
2. F.A. & C.A.O., South Eastern Railway, Garden Reach, Kolkata-43.
3. Senior Divisional Accounts Officer, South Eastern Railway, At/P.O. Kharagpur, Dist. Paschim Midnapur, West Bengal.
4. Divisional Personnel Officer, South Eastern Railway, At/P.O. Kharagpur, Dist. Paschim Midnapur, West Bengal.
5. Permanent Way Inspector, South Eastern Railway, At/P.O. Soro, Dist. Balasore, Orissa.
6. UCO Bank, Ranital Branch, Dist. Bhadrak, represented by its Manager.

..... Respondents

Advocates for the Respondents

..... Mr. R.C. Rath,  
M/s. S.K. Ghosh,  
J.R. Pattnaik,  
C.R. Das &  
S.K. Mishra  
(For Res. No. 6)

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O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN: This O.A. has been filed by Smt. Kapura Murmu whose husband Late Pitha Murmu died in service while working as Track Man under Permanent Way

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Inspector, Soro.

2. The case of the applicant is that her husband superannuated with effect from 31.3.98. The Respondents have paid him all the retiral benefits excepting the monthly pension; which remains unpaid inspite of several requests made to this effect by her husband to the Railway Authorities. It is also disclosed by her that the pension for her husband was actually sanctioned by the Respondents on 21.10.98 and sent to UCO Bank, Balasore for payment. Her husband had made a representation in December, 1998 informing the Respondents that he was yet to receive the monthly pension. But he heard nothing from them. It was then only on 25.4.02 the Sr.Divisional Personnel Officer, South Eastern Railway, Kharagpur took up the matter with the UCO Bank, Balasore to the effect that the pension payment order dtd.20.10.98 issued in favour of the deceased railway servant had been sent to the Bank and he was entitled to receive the payment of monthly pension from 1.4.98. The said authority called upon the Bank to intimate the reasons for non-drawal of the pension in favour of her husband from 1.4.98. It was then on 28.5.2002, the said UCO Bank informed the Sr.Divisional Personnel Officer, Kharagpur that his office had not received the pension papers in respect of Shri Pitha Murmu. The matter thereafter remained under-correspondence between the Respondent's organisation and the UCO Bank. The husband of the applicant in the meanwhile died on 5.10.2003. On 15.12.2003 the applicant applied for paying her the arrear

*[Handwritten signature]*

pension dues of her husband, as well as family pension with interest. As the matter could not be settled so far, the applicant has approached this Tribunal to issue direction to the Respondents to issue duplicate pension payment order to the Bank for release of pension with interest which remained unpaid during the life time of her husband and monthly family pension due to her as widow with interest at the rate of 12% per annum from the date the pension is due.

3. The facts of the case are not in dispute. The Respondents, however, by filing a counter has explained the circumstances in which the monthly pension remained unpaid to the deceased Railway servant though not on account of any fault on their part. They have disclosed that the pension payment order and other papers were sent by special messenger who handed over the same to UCO Bank, Balasore on 16.11.1998 under signature in the Dak Book. Then in the year 2002 when the fact of non-drawal of pension was brought to the notice of the Senior Divisional Personnel Officer, Kharagpur, The Branch Manager, UCO Bank, Balasore and the Manager of UCO Bank, Ranital Branch (the paying Bank) were requested to state the reason for non-payment of monthly pension. The UCO Bank, Ranital Branch informed the Respondents that they had not received any pension paper from UCO Bank, Balasore, and thereupon the Branch Manager, UCO Bank, Balasore was requested to check up his records and to inform the Respondents Railways the fact of the matter so that duplicate books could be issued in the event of

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loss of the original papers (their letter dated 6.1.93). It was then on 24.8.94, the Branch Manager, Balasore Branch was requested by the Respondents to make payments of LTA Pension and LTA of Commuted Value of Pension of Late Pitho Murmu to the applicant and also to pay family pension to the applicant. It is further confirmed by the UCO Bank, Ranital Branch by their letters dtd. 23.8.94 and 25.8.94 that the payment of family pension, LTA Pension and LTA Commuted Value of Pension has already been credited to her Account No. 4467.

4. I have heard the Ld. Counsel for the applicant, Ld. Standing Counsel for the Respondents and Ld. Counsel for the Private Respondent No. 6.

5. All the parties to the litigation have argued that the delay in payment of monthly superannuation pension as well as family pension took place due to the fault of UCO Bank, Balasore who after receipt of the records had misplaced those records. Ld. Counsel for the applicant insisted that the applicant is entitled to compensation for the delay caused to her and her family in getting retirement benefits. The point raised by the Ld. Counsel for the applicant is un-exceptionable and it is no one's case that the applicant should be asked to suffer the financial loss for the negligence on the part of the UCO Bank, Balasore. The Ld. Standing Counsel for the Respondents have repeatedly canvassed before me that the delay is not attributable to the Respondent <sup>organisation</sup> at all. By filing a copy of the Dak Book, he sought to establish his point that all the books and papers relating to payments of pension

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To the husband of the applicant were handed over to the UCO Bank, Balasore on 16.11.98 and therefore, Railway should not be asked to bear the burden.

6. Having considered the facts of the case, I have no doubt that un-usual delay has taken place in payment of monthly pension to the deceased Railway servant and family pension to the family of the deceased Railway servant for which the family has to be compensated. I also agree with Ld. Standing Counsel for the Respondents that the Respondents should not be blamed for the delay caused in this case except for a few months in handing over the books and papers to the bank for payment of pension. I, therefore, order that the applicant is entitled to interest on arrear amount of pension for the delay caused in payment of pension. As the deceased husband of the applicant retired on 1.4.98, the Respondent Railways are directed to pay interest for the period beyond three months from the date of the superannuation of the deceased Railways servant, that is from 1.8.98 to 15.11.98 and the UCO Bank, Balasore to pay the amount of penalty from 16.8.98 to 24.8.04 at the rate of 10 percent per annum. However the amount of interest payable to the applicant for the period from 16.11.98 to 24.8.04 should be, in the first instance, paid by the Respondents to the widow of the Railway servant and release the same amount from the UCO Bank, Balasore in one lump sum for their service failure.

7. I make this order only to ensure that the poor applicant, the widow of the deceased Railway servant is

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not put to further difficult in receiving the amount of interest from the Respondents.

8. I order accordingly. No costs.



( B.N.SOM )  
VICE-CHAIRMAN

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