

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 79 OF 2002
Cuttack, this the 21st day of March/03

Dula Mahanta.

....

Applicant.

Vrs.

Union of India & Ors.

...

Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? No
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No


(B.N. SOM)
VICE CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

8

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 79 OF 2002
cuttack, this the 31st day of March/03

C O R A M;

THE HONOURABLE MR. B.N.SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.).

DULA MAHANTA,
Aged about 74 years,
W/o. Late Sudarsan Mahanta,
At/Po: Bhalia, PS: Betanoti,
Dist: Mayurbhanj.

....

Applicant.

By legal practitioner: Mr. K.B. Panda, Advocate.

- Versus -

1. Union of India represented through its
General Manager, South Eastern Railways,
Garden Reach, Kolkata-43.
2. Financial Adviser-Cum-Chief Accounts Officer,
South Eastern Railways, Garden Reach, Kolkata-43.
3. Divisional Railway Manager, South Eastern Railways,
At/Po: Kharagpur, West Bengal.
4. Senior Divisional Personnel Officer, South Eastern
Railways, At/Po: Kharagpur, West Bengal.
5. Permanent Way Inspector (Rupsa), South Eastern Railways,
At/Po: Rupsa, Dist. Balasore..

By legal practitioner: Mr. D.N. Mishra,
Standing Counsel.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Applicant, the widow of an ex-railway employee,
has filed this Original Application under Section 19
of the Administrative Tribunals Act, 1985 alleging the
inaction on the part of the Respondents in the matter

of payment of ex-gratia pension and has prayed for a direction to be issued to the Respondents to pay the same with interest w.e.f. 25.2.1995 (when her husband expired) within a specified period.

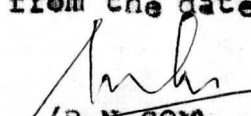
2. It is needless for us to go into the details of the matter; because the Respondents (by filing a counter in reply) have admitted that the Applicant, being widow of one of the ex-railway employee (who retired being under Contributory Provident Fund Scheme) was eligible for ex-gratia pension with effect from 25-02-1995 i.e. after the death of the ex-employee. It has been disclosed in the counter that after processing the papers, the same has already been released in favour of the Applicant. In fact, interim directions were issued on 25.2.2002 asking the Respondents to release ex-gratia payments in favour of the Applicant by the end of March, 2002. By taking adjournments, the Respondents made payments by the end of April, 2002.

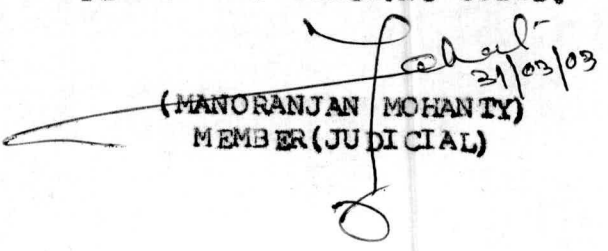
3. As regards the prayer for payment of interest for delayed payment of ex-gratia family pension, the counsel for the Respondents submitted that as the Applicant had not submitted application in the required manner, she was requested to do the same and that, after receiving all the required papers (for grant of ex-gratia pension) the matter was put up before the competent authority and after necessary approval, the same was released/paid and that, as such, the delay was attributable to the Applicant.

4. We have heard Mr.K.B.Panda, Learned Counsel for the Applicant and Mr.D.N.Mishra, Learned Standing Counsel appearing for the Railways/Respondents and perused the records. After considering the submissions made by the parties and on perusing the records, we are constrained to note here that the Respondents have come up this Tribunal explaining the delay in a very casual manner as if they are paying the ex-gratia pension at their own mercy/sweet will. Respondents should have kept in mind always that pension is not bounty -rather it is a property in the hands of a pensioner/widow. At one point of time, the Respondents have asked the Applicant(who is, admittedly, a widow) to come to their office with documents. We have been made to believe that the Railways have posts of Welfare Inspectors for redressing of the grievances of such old ailing persons. But, inspite of that, the Respondents have taken the action in a manner which is nothing but a harassment to a widow for a long time. The Respondents ought to have kept in their mind that one day or the other, they will retire from the post and in case such thing is done towards them, what will be their feelings/miseries. We are, therefore, convinced that this is a case where the Applicant is entitled to get interest on the delayed payment of ex-gratia pension by applying the principles decided by the Hon'ble Apex Court in the case of STATE OF KERALA AND OTHERS VRS. M. PADMANABHAN NAIR (reported in (1985) 1 SCC 429).

5. Accordingly, this Original Application is disposed of

with direction to the Respondents to pay interest (at the rate of 6% per annum w.e.f. 25.2.1995 till the actual payment was made) to the Applicant. The Respondents, are also hereby directed that all the dues of the Applicant, if any, including interest, should be paid to her within a period of 90 days from the date of receipt of a copy of this order. No costs.


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)