

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 910 of 96

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

RABINDRA NATH SINGHA

VS

UNION OF INDIA & ORS.

For the applicant : Mr. K. Sarkar, counsel

For the respondents: Ms. U. Bhattacharyya, counsel

Heard on : 24.6.99

Order on : 24.6.99

O R D E R

In this OA the petitioner has prayed for release of his full pensionary benefits including the leave encashment salary, DCRG, Group Insurance and commutation value of pension. At the time of hearing it is admitted that the petitioner has got pension and group insurance money at his credit. Admittedly the petitioner retired on superannuation w.e.f. 30.6.95. But till today the respondent-authorities have not released his retiral dues namely pension, DCRG and commutation value of pension.

2. In the reply the stand taken by the respondents is that the petitioner in his pension paper for family pension did not submit the joint photograph with his wife. It is explained in the OA that the petitioner had estranged relationship with his wife Smt. Shanta Singha who is working as a Group 'D' employee under the Divisional Rly. Manager, Dhanbad and it is also admitted that the petitioner has to pay his wife maintenance @ Rs. 150/- per month as per the order dated 19.11.77 passed by the Executive Magistrate, Dhanbad in a Miscellaneous Proceeding No. 87/75 (vide Annexure A/1). It is not clear whether such maintenance was granted in a proceeding under Section 125 of the Criminal Proceeding. Anyway it is not necessary to look into the ~~more~~ matter. The question is that whether the respondents can withhold the pension of the petitioner with the consequential benefits

of the pension and DCRG on the ground that the petitioner did not submit the joint photograph with his wife. The petitioner in his representation as per Annexure A/2 dated 9.6.95 to the respondent-authorities has sufficiently explained the reasons for which he did not enclose the joint photograph with his wife. It was stated there that they have mutually separated from each other. It is not in dispute that the petitioner's wife has not made any claim for family pension, etc. and such a claim cannot be made before the death of her husband i.e. the petitioner who retired on superannuation.

3. Ms.U.Bhattacharyya, 1d. counsel for the respondents submits on instruction that there may not be any difficulty in releasing the pension of the petitioner with commuted value of pension and DCRG in view of the representation made by the petitioner on 9.6.95 as per Annexure A/2.

4. After considering the materials on record and after hearing the submissions of both the counsel I do not find any legitimate reason for this ~~uncontrollable~~ delay in the matter of releasing the pensionary benefit including DCRG. The OA is allowed and the respondent-authorities are directed to release the pension of the petitioner along with the DCRG and commuted value of pension adjusting the provisional pension paid to him within 4 months from the date of ~~communication~~ of this order. The respondents are also directed to pay interest @ 10% on the arrears of pension, commuted value of pension and DCRG from the date it fell due, i.e. from 1.8.95 till the actual date of payment within the aforesaid period. No order as to costs.

J. A. Sengupta
MEMBER (A)

S. N. Mallu
VICE-CHAIRMAN