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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH,
JODHPUR.

Date of Order: 23.8.96.

O.A. No. 42/96.

* *

Smt. Hulasi Devi

...Applicant.

vs.

Union of India & Ors.

...Respondents.

* *

Mr. Manoj Bhandari, Counsel for the applicant.
None present for the respondents.

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CORAM:

Hon'ble Mr. S.P. Biswas, Administrative Member.

PER HON'BLE MR. S.P. BISWAS :

Applicant, Smt. Hulasi Devi widow of late Shri Bania is highly aggrieved on account of non-receipt of Pension, Gratuity, Provident Fund and other retiral benefits due to Shri Bania with effect from his date of retirement i.e. 1.4.76 and Family Pension she is due to receive with effect from 25.1.89.

2. This case was admitted on 1.2.96 because of special circumstances involved. The respondents were served the notices and filed power on 26.3.96. The counsel for the respondents, despite being intimated in time, did not bother to represent their stand on the claims in this O.A. on two different occasions.

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3. The applicant contends that her husband retired from service w.e.f. 31.3.76 and by that time he had completed about 24 years of service. After attaining the age of superannuation, the husband of the applicant was neither paid any pension nor any retiral dues namely gratuity, provident fund etc. The husband of the applicant made several representations but the respondents decided to turn a Nelson's eye to genuine claim of the applicant's husband. When this came almost to a point of desperation, the applicant received a communication dated 16th June, 83 from respondent No.2 which reads as under:-

"3. Statement of case for above has been prepared and forwarded to higher authorities for according necessary CFA sanction. As and when sanction from competent authority is received, pension and gratuity papers will be prepared."

4. Hardly before the applicant can see the fruits of the above letter, he had to take leave of his existence from this world forcing the applicant herein to file a legal notice dated 10.12.95 as at Annexure A/5. Unfortunately, the respondents appeared to have gone into their slumbers between 1983 to 1995. Only when this O.A. was filed, they woke up and issued the letter dated 11.7.96, which indicates the following:-

"PENSION : LATE SHRI BANIA

1. You are advised to report to this HQ for preparation of your family pension documents failing which this office will not be responsible for non receipt of pension."

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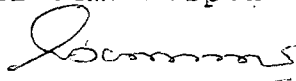
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5. Learned counsel for the applicant submits that his case attracts the provisions under Rule 60 & 68 of C.C.S. Pension Rules, 1972, wherein it has been mentioned that the pension and other benefits needs to be paid within the stipulated period.

6. This is a case where the respondents have grossly violated the provisions under Central Civil Services (Pension) Rules, 1972 as aforesaid. They have admitted the legality of the claim but has faltered in not acting on it as is evident from the communication dated 11.7.96.

7. In the circumstances, the O.A. succeeds on merits and is accordingly allowed with the following orders:-

- (i) The respondents, particularly respondent No.2 shall settle the retiral dues (Pension, Gratuity, Provident Fund, Leave Encashment, Insurance & other retirement dues etc.) of the applicant's husband from 1.4.76 till the date it was due ;
- (ii) Determine the family pension of the applicant from 25.1.89 and shall make payments regularly from now onwards ;
- (iii) The amounts due on the above two items shall be paid within four months from the date of receipt of a copy of this order alongwith the interest @ 18% till the date of payment ;
- (iv) The applicant will be entitled to her costs which are assessed at Rs.2000/-. This is eminently a fit case to order costs in the light of the law enunciated by Hon'ble Supreme Court in Central Co-operative Consumers' Store Ltd. vs. Labour Court, H.P. Simla and Others, 1993 (3) SCC 214, wherein legally valid claims were denied because of unreasonable and defiant attitude of respondents. The same situation prevails here. The respondent No.1 will be at liberty to identify those responsible for such inordinate delays in finalising the pension dues of a 'Safaiwala' retired in 1976 and realise the entire amount from their personal pockets. The tax payer shall not be saddled with the liability of paying costs that becomes payable because of sheer inactions of some respondents.


(S.P.BISWAS)
Member (A)

V.S.