

27

Central Administrative Tribunal, Jodhpur Bench,  
Jodhpur

Date of Order : 7.1.2002

O.A.No. 74/2001

Smt. Bhanwari Devi W/o Late Shri Idanji, by caste Sansi, aged about 53 years R/o House No. 1, Sansi Colony, Ratanada, Jodhpur (Rajasthan) (Ex. Mate, Shri Idan (Deceased) in the Office of Garrison Engineer, M.E.S., Air Force, Jodhpur (Rajasthan).

..... Applicant.

Vs.

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhavan, New Delhi.
2. The Chief Engineer, H.Q. Southern Command, Engineering Branch, Pune.
3. Chief Controller of Defence Accounts (Pension) (C.C.D.A. (P), Allahabad.
4. The Garrison Engineer, M.E.S., Air Force, Jodhpur.

..... Respondents.

...

BENCH :

Hon'ble Mr. Gopal Singh, Administrative Member

...

Mr. S.K. Malik, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents.

...

BY THE COURT :

ORDER

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for quashing the impugned order dated 4.9.2000 (Annex.A/1) and for a direction to the respondents to release the balance of the Death-cum-Retirement-Gratuity along with interest at 18% p.a. w.e.f. 11.8.1998.

*Gopal Singh*

2. The applicant is the widow of Shri Idan, who died on 10.8.1998, while in service. The Respondent-department has released the family pension and other retiral benefits to the applicant. including Rs. 25,706/- as part of D.C.R.G. The balance amount of D.C.R.G. has not been released on the ground that the nomination is not available with the department. The applicant has filed a photo copy of the nomination which is placed at Annex.A/4. It is also submitted by the learned counsel for the applicant that original copy of the nomination is also not available with the applicant. In the circumstances, I consider it just and appropriate to <sup>direct the respondents to</sup> release the payment of balance gratuity to the applicant after verifying the photo copy of the nomination papers placed at Annex.A/4. Since the payment of balance of gratuity has been delayed for a sufficiently long time without any fault on the part of the applicant, I consider it appropriate to grant interest at the rate of 9% per annum on the balance gratuity till the date of payment. Accordingly, I pass the order as under :




"The O.A. is allowed. The Respondents are directed to verify the photo copy of the nomination at the departmental level and release the balance of Death-cum-Retirement-Gratuity along with interest at the rate of 9% per annum to the applicant within a period of four months from the date of receipt of a copy of this order. No costs."

*Gopal Singh*

( Gopal Singh )  
Administrative Member

...

jrm

Rec  
  
S. K. Malik  
18/01/02

Un-  
18/1

Part II and III destroyed  
in my presence on 28.6.02  
under the supervision of  
section officer at per  
order dated 14/5/02

Section Officer (Record)  
