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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

Original Application No. 213/2005
Date of order: 17.04.2006

CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

1. Richard Masih son of Shri Vinod Kumar aged 20 years.
2. Nidhi daughter of Shri Vinod Kumar, aged 18 years.
Residents of 4/2 Pal Link Road, Opposite Krishna Mandir,
Jodhpur.
Late Shri Vinod Kumar, Electrician HS II in the office of the
Garrison Engineer, MES, Air Force, Jodhpur.

...Applicants.

Mr. Vijay Mehta, counsel for the applicants.

VERSUS

1. Union of India through the Secretary to Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. PCDA (Pension Computer Centre), Draupadi Ghat, Allahabad-14.
3. Garrison Engineer, MES, Air Force, Jodhpur.
4. Chief Engineer, HQ Southern Command, Pune.

.....Respondents.

Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for the respondents.

ORDER

Shri Richard Masih and Miss Nidhi have filed this joint application for seeking a mandate to the respondents to make the payment of family pension and arrears thereof along with the interest @ 18% and release of withheld amount of Rs. 1,000/- from gratuity.

2. With the consent of learned counsel for both the parties, the case was taken up for final disposal at the stage of admission; keeping in view of the urgency in the matter and short controversy involved. I have accordingly heard learned counsel for both the parties and accordingly perused the pleadings and records of this case.

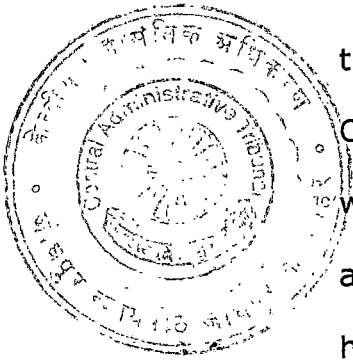
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3. The factual matrix as delineated from the pleadings of the parties is that the applicants are the legal heirs of late Shri Vinod Kumar. Said Shri Vinod Kumar was employed as Electrician HS II in the office of respondent No. 3 and expired on 11.11.2001, while in service. An amount of Rs. 73,262/- was directed to be released towards DCRG vide order dated 17.11.2003 out of which a sum of Rs. 1,000/- was withheld. They were not paid the family pension amount, a lot of correspondence took place, and finding no response this application was necessitated.

4. The respondents have contested the case and filed a detailed and exhaustive reply. It has been mentioned in the reply that PPO dated 16.10.2003 for grant of family pension has been issued by which the family pension has already been granted to the applicants and the O.A. has rendered infructuous. An amount of Rs. 1,000/- has been withheld from DCRG for adjustments as per the rules in force. In another para 4.6, it is indicated that the PPO has been issued and handed over to the G.E. (AF), Jodhpur on 14.10.2005 for payment. The family pension cannot be released until the requisite documents submitted or supplied to the concerned authorities. The grounds raised in the O.A. have been generally denied.

5. Both the learned counsel for the parties have reiterated the facts and grounds narrated in their respective pleadings as noticed above. Learned counsel for the applicants has submitted that there was no fault on the part of the applicants. There has been abnormal delay in releasing of the amounts due towards the gratuity as well as

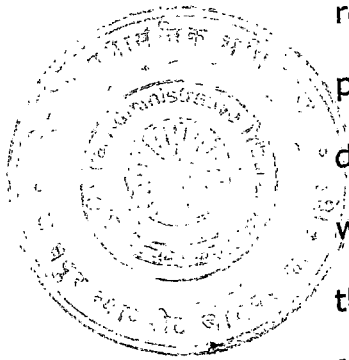


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the family pension and the interest should be paid of the arrears. Per contra, learned counsel for the respondents has submitted that no sooner, the requisite documents became available, the due payments have been released and the very O.A. has become infructuous.

6. I have considered the rival submissions put forth on behalf of both the parties. As far as the factual aspect of the case is concerned, it is factually wrong to contend that the PPO for grant of family pension was issued on 16.10.2003. I find from the perusal of page 9 of the paper book that said PPO was only in respect of gratuity amount and not in respect of the family pension. Admittedly, the PPO in respect of family pension has been issued on 14.10.2005 and the payment has been made only in January 2006. The perusal of the reply does not indicate any cogent reason for delay in grant of family pension. In any case, no delay is attributed to the applicants. No details are forthcoming as to when the papers were completed and whether there was any delay on the part of the applicants. As far as the withholding amount of Rs. 1,000/- is concerned, learned counsel for the respondents stated that the same would be released as per the rules in force. In any case, the question remains regarding the payment of interest on the delayed payment of family pension. The death of the deceased Govt. servant took place on 11.11.2001, the applicants have been received payment only in January 2006, thus, there has been a long delay. It is by now fairly settled that once delay is not attributable to the individual concerned, the interest has to be paid for the reason that the individual has suffered since he was deprived from his money and that money remained with the



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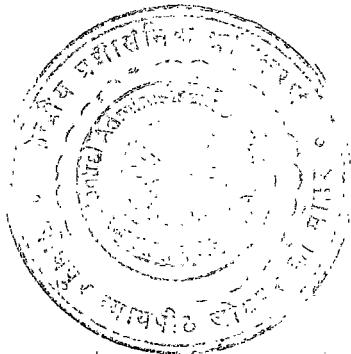
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Government. In this view of the matter, the interest is required to be paid on the delayed payment of amount of arrears of family pension.

7. In the premises, the Original Application is partly allowed. The respondents are directed to make payment of interest @ 8% p.a, on the arrears of family pension from the due date till the date of actual payment, within a period of two months from today. It is scarcely necessary to mention that the withheld amount of Rs. 1,000/- shall be released expeditiously, as per the rules. No costs.

J K Kaushik
(J K KAUSHIK)
JUDICIAL MEMBER

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