

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 1111/1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

AHALYA RANI BARMAN

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. A. Chakraborty, counsel

For the respondents : Mr. P. Chatterjee, counsel

Heard on : 23.6.99

Order on : 23.6.99

O R D E R

Heard 1d. counsel for both the parties.

2. The grievance of the applicant, Ahalya Rani Burman is that her husband, Sitanath Barman who was working as Masalchi under C.T.F.M. Santragachi, South Eastern Railway, died on 22.4.92 while he was in service. It is stated in the application that her husband was regularised in service before his death (Annexure 'A'). It is stated by the applicant that after the death of her husband, the applicant was appointed on compassionate ground (Annexure 'B' to the app.) but the respondents did not release family pension and other settlement dues of the deceased employee in her favour. Hence, she filed this O.A. before this Tribunal for issuing direction upon the respondents to pay all settlement dues such as, Provident Fund, Leave Salary, Insurance Money, and other pensionary benefits to her as admissible under the rules.

3. Respondents filed written statement denying the claim of the applicant. In para '7' of the reply it is stated that payments of the applicant has been sent on 17.9.98 to Accounts (retiral benefits) for audit and payment. It is stated by the respondents that the applicant is entitled to get Group vide order dated 17.10.98 Insurance of Rs. 15,853/-, Gratuity (DCRG) of Rs. 10,152/- vide

order dated 18.2.99 and Family Pension of Rs. 375/- p.m. which has been sanctioned on 5.1.99 by Pension Payment Order. It is also stated by the respondents that the applicant has been paid all the settlement dues on account of death of her husband and thereby the application is devoid of merit and is liable to be dismissed.

4. Ld. counsel Mr. A. Chakraborty, appearing on behalf of the applicant, submits that the applicant has not received any amount of settlement dues till date though the respondents stated that all ~~the settlement dues~~ of her husband has been released. Mr. Chakraborty appearing for the applicant further submits that since the respondents did not make payment till date, the applicant ~~is~~ entitled to get interest on the amount of the settlement dues payable to her.

5. Ld. counsel Mr. P. Chatterjee appearing on behalf of the respondents submits that he has nothing to say in respect of the statement of Mr. Chakraborty ld. counsel for the applicant. He further submits that since the respondents assured that the payment order ~~in favour~~ of the applicant has been sent in 1998, Oct. to the Accounts Department, the applicant would get benefits immediately. ~~Thereby~~, the application should be dismissed.

6. I have considered the submissions of the ld. counsel for both the parties on that score. It is really surprising to note that the husband of the applicant died in the year 1992 and the settlement dues ~~have~~ not been paid to the applicant till date. It is simply stated by the respondents that ~~payment~~ order for such payment of settlement dues has been sent to the accounts department. But no enquiry has been made from the side of the respondents regarding receipt of the same by the applicant. I find that compassionate appointment has been given to the widow of the deceased employee, but such action does not escape the liability of the respondents in the matter of payment of settlement dues and there is no explanation

from the side of the respondents as to why they did not make payment of retiral dues of the deceased employee to the applicant. The Hon'ble Supreme Court by its order dated 22nd March, 1999 in the case of Dr. Uma Agarwal Vs. State of U.P. & Anr. in Writ Petition(Civil)No.771 of 1995 has depriated the delay in settlement of pension, family pension etc. The Hon'ble Supreme Court has inter alia observed that :-

"If the rules/instructions are followed strictly much of the litigation can be avoided and retired government servants will not feel harassed because after all, grant of pension is not a bounty but a right of the government servant. Government is obliged to follow the Rules mentioned in the earlier part of this order in letter and spirit. Delay in settlement of retiral benefits is frustrating and must be avoided at all costs. Such delays are occurring even in regard to family pensions for which too there is a prescribed procedure. This is indeed unfortunate. In cases where a retired government servant claims interest for delayed payment, the court can certainly keep in mind the time-schedule prescribed in the rules/instructions apart & from other relevant factors applicable to each case."

7. In view of the aforesaid circumstances and in view of the above mentioned judgment of the Hon'ble Apex Court, I am of the view that the applicant should be awarded penal interest for the inordinate delay in making payment of family pension and other retiral benefits to which she is entitled. In my opinion, under the facts and circumstances of the case, it will be fit and appropriate for the respondents to pay interest at the rate of 18% p.a. on the settlement dues admissible to the applicant.

8. In view of the above, the respondents are directed to make payment of settlement dues to the applicant with interest at the rate of 18% p.a. from the date of expiry of two months after the death of the employee till the payment is made, within two months from the date of communication of this order. At the same time, the General Manager, South Eastern Railway, Gardenreach, is directed to make enquiry about the reasons for delay in payment of family pension and retirement benefits

and responsibility be fixed on such officers/officials who were responsible for the delay and to take appropriate action against them as per rules. With these observations, the application is disposed of.

9. No order is passed as to costs.

11/22/99
(D. PURKAYASTHA)
MEMBER(J)

S.M.