

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 330 of 2013

Thursday, this the 17th day of October, 2013

CORAM:

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Krishnaveni Asokan,
Kondarapassery House,
Kundaliyur P.O.,
Thrissur : 680 616

... Applicant.

(By Advocate Mr. C.S.G. Nair)

v e r s u s

1. Union of India,
Represented by its Secretary,
Department of Pension & Pensioners' Welfare,
South Block, New Delhi : 110 001
2. The Principal Chief Controller of Accounts,
Central Board of Excise and Customs,
AGCR Buildings New Delhi : 110 023
3. Pay and accounts Officer,
Central Excise, Nungampakkam,
Chennai : 600 034
4. Pay and Accounts Officer,
Central Pension Accounting Office,
Trikoot II Complex, Bhikajicama Place,
R.K. Puram, New Delhi : 110 066
5. Senior Manager,
Canara Bank, Engadiyoor,
Thrissur District
6. Commissioner of Central Excise,
Chennai I Central Excise Commissionerate,
Central Revenue Buildings,
Nungambakkam, Chennai : 600 034

... Respondents.

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 17.10.13, the Tribunal on the same day delivered the following :-



ORDER**HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

The applicant's husband who retired as Chief Accounts Officer from the erstwhile office of the Collector of Central Excise, Chennai, died on 20.07.2007. From 21.07.2007 onwards, she was getting family pension. Neither the husband of the applicant nor the applicant was given medical allowance since it was granted to all pensioners. After many representations, now Rs. 300/- is being paid to the applicant. But the amount of arrears due from 1997 is yet to be paid. Further, on revision of pension on the basis of the 6th Central Pay Commission, the applicant is not being paid family pension correctly. Although the applicant made a number of representations, no reply has been received. Hence this O.A is filed for the following reliefs:

- (i) To direct the respondents to grant the applicant a family pension as requested by her in Annexure A-9 as per the order/OM dated 01.09.2008 w.e.f 21.07.2007;-
- (ii) To direct the respondents to grant the difference in pension payable to the husband of the applicant w.e.f. 01.01.2006 to 20.07.2007;
- (iii) To direct the respondents to grant arrears of Medical Allowance;
- (iv) To direct the respondents to pay interest on the amount of pension/ family pension arrears payable @ 12% per annum;
- (v) Grant such other relief or reliefs that may be prayed for or that are found to be just and proper in the nature and circumstances of the case;
- (vi) Grant cost of this O.A.

2. When the case was taken up for final hearing, learned counsel for the applicant submitted that the relief Nos. (i) to (iii) have already been granted and what remain for consideration by this Tribunal are relief No (iv) for payment of interest on the amount of pension arrears payable @ 12% per annum and relief No. (vi) for granting cost of this O.A.



3. I have heard Mr. C.S.G Nair, learned counsel for the applicant and Mr. Sunil Jacob Jose, learned SCGSC appearing for the respondents and perused the records.

4. Para 2 of the statement filed by the respondents is as under:

"2. It is submitted that the respondents have taken action considering the grievance of the applicant and the pension in respect of Late Shri G. Ashokan till his date of death and family pension in respect of the applicant have been revised and authority issued vide letter dated 09.04.2013. It is also submitted that the fixed medical allowance of Rs. 100/- w.e.f. 01.12.1997 to 31.08.2008 and Rs. 300/- w.e.f 01.09.2008 have also been authorized to the applicant. True copy of the letter dated 09.04.2013 granting the above mentioned is enclosed and marked as Annexure R-1."

5. Annexure R-1 is dated 09.04.2103. The applicant has presented this O.A before this Tribunal on 10.04.2013, one day after Annexure R-1 letter was issued. Hence, there is no basis for granting cost of this O.A to the applicant.

6. However, as per Annexure A-2, there is no mention of medical allowance in the Pension Payment Order (PPO), which is clearly a mistake on the part of the respondents. The applicant had represented vide Annexure A-3 dated 28.02.2011 for granting her the eligible basic pension of Rs. 6300/- being 30% of the minimum of the revised pay scale of Chief Accounts Officer. It was further followed by Annexure A-4 representation dated 17.08.2011 and a reminder dated 08.11.2011. In Annexure A-6 dated 23.12.2011 issued by the Pay and Accounts Officer (Collectorate of Central Excise), Chennai, it appears that the 3rd respondent has not correctly advised the 4th respondent to issue a Special Seal Authority (SSA) to the 5th respondent inspite of receiving



many representations from the applicant to revise her family pension correctly. Further, the 3rd respondent had shown the total service of the applicant's husband as 30 years, 04 months and 16 days instead of 37 years, 09 months and 03 days as shown in the original PPO at Annexure A-1. The applicant had to file another representation dated 05.06.2012 for correction in the revised family pension, followed by another representation dated 03.09.2012. It is clear that the respondent No.3 had not given sufficient attention to the representations made by the applicant in time. She was forced to file an O.A before this tribunal on account of the delay and lack of promptness in settling her grievance. In the process, she has suffered avoidable hardship and loss of interest on account of delayed payment of the amount of pension arrears. To the extent of loss suffered by her, there is an illegal enrichment of the State coffer. Hence I consider, in the interest of justice and fair play, that the applicant should be paid interest on the amount of pension arrears for the period of delay.

7. In the result, the O.A. is allowed. The respondents are directed to pay interest on the amount of pension arrears payable to the applicant from the dates the arrears became payable till the date of actual payment @ 8% per annum within a period of 02 months from the date of receipt of a copy of this order. No order as to costs.

(Dated, the 17th October, 2013)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

cvr.