

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No. OA-169 of 1996

(Date of decision 24.2.1997)

Baby Devi

Widow of late Gopaljee Jha,
resident of Village Ujan, P.S.Sakatpur,
District Darbhanga

..... Applicant

By Advocate: Mr. Ramesh Jha

versus

1. Chief Post Master General, Bihar Circle, Patna
2. Post Master General, North Region, Muzaffarpur.
3. Superintendent of Post Offices, Darbhanga Division,
Darbhanga.
4. Shri Shiv Narain Prasad, Assistant Director (Technical),
Chief Post Master General's Office, Patna.
5. Shri D.Ram, Senior Superintendent of Post Offices,
Muzaffarpur Division, Muzaffarpur.
6. Shri Ram Khelawan Mahto, Assistant Superintendent of
Post Offices (Headquarter), Muzaffarpur Division,
Muzaffarpur.

By Sr. Standing Counsel. Respondents

Coram: Hon'ble Mr. Justice V.N. Mehrotra, V.C.

O R D E R

Hon'ble Mr. Justice V.N. Mehrotra, V.C.

This O.A. has been filed praying that the respondents
be directed to pay family pension, death-cum-retirement
gratuity as well as the amount in the Provident Fund

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Account of late Gopaljee Jha who was the husband of the applicant.

2. It is asserted by the applicant that Gopaljee Jha was working as Clerk at the Divisional Post Office, Darbhanga since 1.6.1958. He died in harness on 22.10.1972 leaving the applicant as his widow and two minor sons. The applicant is an illiterate lady and had no knowledge regarding the family pension scheme. Later on, his well-wishers informed her of her entitlement to the family pension as well as other retiral benefits which were not paid to her. She moved an application on 10.12.1991 addressed to the Postmaster General concerned. An Officer from the Divisional Post Office came to her house on 19.10.1992 and recorded her statement. She was asked to furnish certain documents including death certificate of her husband. The documents were furnished on 26.10.1992. She again sent an application on 18.12.1992 after which inquiry was held by Inspector of Post Offices. She was asked to furnish necessary photographs and other documents along with affidavit which she later on furnished. However, even after the lapse of such a long time, she was not paid family pension and other retiral benefits belonging to her late husband. She again moved an application on 6.1.95 and again submitted relevant papers but even now she has not been paid the family pension and other dues, hence this application.

3. On behalf of the respondents written statement has been filed in which it has been mentioned that the Service Book of the deceased employee could not be prepared for want of old records. It is said that in the floods of 1987, a large number of documents of Laheriasarai Head Office were destroyed. It has also been asserted that

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D.A.P, Patna has been requested to finalise the pension case on available records. It has also been mentioned that the matter was in active consideration of the department. The respondents have also raised the plea of bar of limitation.

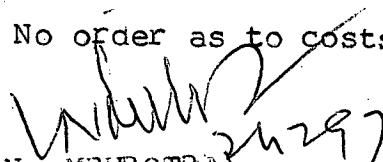
4. I have heard the learned counsel for the parties and perused the record of the case. In this case it has not been disputed that the deceased Gopaljee Jha was an employee of the Postal Department since 1.6.1958 and he died on 22.10.1972. It is also not disputed that the applicant, Smt Baby Devi is the widow of late Gopaljee Jha. The respondents have also not disputed that the applicant was entitled to claim family pension and other benefits such as: DCRG and amount of GPF belonging to the deceased employee. Their contention is that the matter was delayed as the applicant never applied for these benefits prior to the year 1991 and did not furnish necessary documents so that the matter could be finalised. It has been argued that the matter was also held ^{up} due to the destruction of a number of documents/records of the Head Office due to the floods in the year 1987. Be that as it may, there is no denial of the claim of the applicant to the DCRG, amount of GPF and family pension. Merely because the applicant being an illiterate lady did not raise the claim earlier, the same will not be barred by limitation. In fact, the plea of limitation was rightly not pressed by the Senior Standing Counsel at the time of argument. It is thus clear that the respondents are bound to pay the family pension and other retiral benefits belonging to the deceased employee.

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5. The learned counsel for the applicant has argued that apart from the amount including the family pension, payable to the applicant, she should be allowed to get interest also on the arrears which would be found to be payable to her. On the question of interest the learned counsel for the respondents has reiterated his plea that delay was not caused due to any act of omission on the part of the officers of the Union of India but due to the reasons mentioned above.

6. On consideration of question of interest, I am of the view that in this case delay appears to have been caused as the applicant herself did not inform the authority concerned regarding her claim regarding family pension and other retiral benefits till the year, 1991. In fact, she filed necessary papers ^{with} ~~to~~ the authority concerned in December, 1992. In such circumstances, it might not have been possible for the authorities to finalise the question of family pension and other retiral benefits. However, there was no sufficient cause for their inability to pay these benefits to the applicant since after December, 1992. In the circumstances, the respondents should be directed to pay interest on the arrears with effect from 1.1.1993 @ 12% per annum.

7. In the result this OA is allowed. The respondents are directed to finalise the fixation of family pension as well as other retiral benefits within a period of three months from the date on which a certified copy of this order is received by them. It is further directed that after one month of the finalisation of this matter as mentioned above, the entire arrears shall be paid to the applicant along with interest @ 12% per annum on the amount of arrears with effect from 1.1.1993. No order as to costs.


(V. N. MEHROTRA)
VICE-CHAIRMAN