

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 434 OF 2006

[Patna, this Thursday, the 9th Day of August, 2007]C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

Most. Sita Devi, wife of Late Hari Krishan @ Hari Krishan Mahto, resident of village : Chandchor Pathantola, P.O.: Chandchor Dih, Police Station : Ujiyarpur, District – Samastipur.APPLICANT.
By Advocate :- Shri Gautam Saha.

Vs.

1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
2. General Manager [Personnel]/Chief Personnel Officer, East Central Railway, Hajipur, Vaishali.
3. Chief Administrative Officer [Construction], North Eastern Railway, Gorakhpur.
4. Deputy Chief Engineer [Construction], 3, Samastipur Division, East Central Railway, Samastipur.
5. Divisional Railway Manager, Danapur Division, East Central Railway, Danapur, Khagaul.
6. Sr. Divisional Engineer [Co-ordination], Danapur Division, East Central Railway, Danapur, Khagaul.
7. Sr. Divisional Finance Manager, Danapur Division, East Central Railway, Danapur, Khagaul.
8. Assistant Engineer, Line, Patna Junction, Patna.
9. Section Engineer [P.Way], Patna Junction, Patna.....RESPONDENTS
By Advocate :- Shri B.K.Sinha, ASC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- The applicant has come up before the Tribunal with various reliefs but, as would appear from order dated 03.08.2006, the

learned counsel for the applicant, in view of Rule 10 of the CAT [Procedure] Rules had submitted that he would press only the relief as in para 8.I of the application, which relief runs as follows :-

“8.I. For direction upon the respondents to make payment of death benefits including the family pension and arrears thereof, along with appropriate rate of interest, to the applicant, immediately.”

2. The case has proceeded for some time and, ultimately the respondents have come up with clear statements about the payments made to the applicant, widow of the deceased employee, on various counts. Para 2 of the written statement may be reproduced :-

“2. That it may be stated that as per calculation chart the family pension, DCRG, GIS and Leave Salary of the applicant have been sanctioned in different head. The family pension of the applicant Rs. 2509/- with effect from 02.01.2006 to 01.01.2013 and thereafter Rs. 1913/- till death or remarriage, whichever is earlier has been sanctioned by Senior Divisional Manager, ECR/Danapur. Similarly the amount of Rs. 74658/- has been calculated under the head of DCRG. The authority concerned recovered the amount of Rs.600/- as an advance due to festival and G.I.S. for absent period amount of Rs.225/- has been deducted from DCRG [Net payable DCRG Rs.74658 – (Rs.600 + Rs.225/-)] and the total Rs.73833 has already been paid. Similarly GIS amount of Rs.15000/- [Insurance] + Rs. 1508 [Savings] = total amount of Rs. 16508/- has already been paid.

“ Similarly leave salary for 29 days amount of Rs.6014/- has

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already been paid to the applicant [last pay x $\frac{\text{No. of days}}{30} = \text{Rs.6221.5}$
 $\times \frac{29}{30} = \text{Rs.6014}$]. Therefore, the concerned authority of
 E.C.Railway, Danapur vide letter no. bearing Accounts Department
 No. 46/Pen/DNR/PSB/15417 dated 21.02.1997 [as contained in
 Annexure-R/1 to supplementary written statement of this OA] has
 already paid the amount by cheque Rs.96355 to the applicant [Net
 payable amount of DCRG Rs. 73833 + Rs.16508 [GIS amount] and
 Rs. 6014 [leave salary] = Total Rs.96355/-. It is evident from
 calculation chart the detail description in respect of family pension,
 DCRG, GIS and Leave Salary of the applicant has been mentioned.”

For this, the respondents have also placed the calculation chart
 at Annexure-R/2.

3. In connection with this chart the learned counsel for the
 applicant submitted that the period of service has been wrongly calculated so
 much so that a certain period of leave without pay of about 2 years 9 months
 & 5 days has been deducted from the total period of service. Learned counsel
 submits that there was no breakage in the service and, even supposing for
 arguments sake, that he was on leave without pay, that period could not have
 been deducted from the total period of service rendered by the applicant as,
 from this calculation chart itself, it would appear that he was granted leave for
 the period of absence.

4. Second argument of the learned counsel was that this way the
 respondents have also calculated lesser amount by way of DCRG which they
 could not have done. Thirdly, it was argued that though the respondents have

stated that family pension has been granted @ Rs.2509 from 02.01.2006 to 01.01.2013 and thereafter Rs.1913/- till death or remarriage, whichever was earlier, still no payment till now has been made in the account of the applicant. The contention of the learned counsel further is that even this supplementary written statement does not say anything about payment of the amount in GPF of the deceased employee.

5. From the calculation chart attached with this second supplementary written statement it would appear that the calculations were made and signed on 26.04.2007 though the amount was payable w.e.f. 02.01.2006.

6. In view of such submissions, following orders are recorded :-

[i] The respondents will immediately verify as to whether the arrears of family pension have been paid into the account of the applicant and whether she is being paid family pension regularly. If not, then the amount of arrears would be deposited in her account within a month of receipt of a copy of the order with interest @ 8% p.a.

[ii] The respondents will also verify the amount of GPF due to the deceased employee and whether the GPF amount has or has not been paid. If not paid, that should also be paid within a month of receipt of a copy of this order with the same interest as payable on GPF amount by the Govt. of India which should be calculated up to the date of payment.

[iii] In so far as the claim of the applicant that the family pension

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and the DCRG have been wrongly calculated, the applicant is given liberty to make a detailed representation before the respondents, i.e., the officer who is entitled to take a decision in this matter, within two months of this order giving full details of her own calculations and showing as to how these amounts have been wrongly calculated by the respondents. On receipt of such a representation, the concerned respondent will afford an opportunity to the applicant to appear by herself or through her lawyer, or through any other authorized person, before such authority to present her case. This way, the concerned respondent will dispose of the objections of the applicant, in accordance with law and rules, within three months of receipt of a copy of this order. If the amount on these counts are increased, the arrears would be deposited within one month thereafter with the same rate of interest as allowed on the arrears of the family pension.

7. With the aforesaid orders and directions, this application is disposed of. No costs.



[P.K.Sinha]/VC

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