



(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.263/89

1. Master Dimple Ahluwalia
2. Master Bipin Ahluwalia .. Applicants

-versus-

1. Union of India  
through  
General Manager,  
Central Railway,  
Bombay V.T.
2. Divisional Railway Manager,  
Central Railway,  
Bombay V.T. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman

Appearances:

1. Mr.G.S.Walia  
Advocate for the  
Applicant
2. Mr.S.C.Dhavan  
Counsel for the  
Respondents.

ORAL JUDGMENT:  
(Per M.S.Deshpande, V.C.)

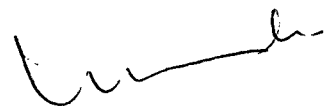
Date: 24-12-93

By this application the applicants pray for being paid the family pension w.e.f. 21-5-81 with compound interest @ 18% p.a. The deceased who was an employee of the respondents died on 20-5-1981. His widow re-married in 1983. She filed O.A.No.601/87 which came to be decided on 27-1-88 in which an order came to be passed directing the respondents to pay appropriate family pension to Smt.Asha Ahluwalia as the mother of the two minor sons Master Dimple and Master Bipin for a period of eight months from 1-3-1988. There was also a direction that ~~only~~ natural guardian may file appropriate proceedings in the appropriate court, under the Guardians and Wards Act either for declaration or for appointing herself as a guardian of the person and property of the

minor children and the Railway administration has to comply with the orders which may be passed in that application. Liberty was also granted to the mother for filing application for interim relief if necessary. Shri Walia for the applicants stated that the entire amount was paid in 1989.

2. What is being urged at this stage is only that the applicant should have been paid interest on the amount of arrears. It is apparent that the entire amount, as per the statement of Mr. Walia himself, has been deposited in the High Court by the respondent. There was no direction in the judgment delivered on 27-1-88 to pay interest. The payment of of the amount to the mother was contingent upon furnishing a declaration for appointing herself as a guardian of the person and property of the minor children. Mr. G.S. Walia was not in a position to state when the mother got herself appointed as guardian of the minor children. Obviously the payment cannot be in this circumstance said to have been delayed on account of the acts of the respondents and no liability for interest can arise.

3. There is no merit in the claim which is being made for interest at this stage. It is rejected. Application dismissed.



(M.S. DESHPANDE)  
Vice-Chairman

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