

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 144/96

Transfer Application No.

Date of Decision 31.7.1997

Mrs. R.B.Dhamankar

Petitioner/s

Shri L.M.Nerlekar

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri N.K.Srinivasan

Advocate for
the Respondents

CORAM :

Hon'ble Shri. M.R.Kolhatkar, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

M.R.Kolhatkar

(M.R.KOLHATKAR)

MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 144/96

Dated this the 31st day of July, 1997

CORAM: Hon'ble Shri M.R.Kolhatkar, Member (A)

Mrs.Rukmini Balaram Dhamankar,
W/o Late Balaram Gopal Dhamankar
worked as A.C.Fitter
under DRM, Western Railway, Rajkot
and residing at 121/30,
New B.D.O. Chaul, G.K.Road,
Naigaon, Bombay 400 014.

By Advocate Shri L.M.Nerlekar

... Applicant

V/S:

1. Union of India
through General Manager
Western Railway,
Churchgate, Mumbai.
2. Deputy Chief Electrical Engineer(U)
Ajmer, Western Railway,
having its office at Power House,
Nagare - Rajasthan.
3. The Bank Manager,
Central Bank of India,
Maskati Market Branch,
Ahmedabad - 380 002.

By Advocate Shri N.K.Srinivasan
C.G.S.C.

... Respondents

ORDER (ORAL)

(Per; Shri M.R.Kolhatkar, Member (A))

Heard Shri L.M.Nerlekar for the applicant
and Shri N.K.Srinivasan for the respondents.

2. In terms of the orders of the Tribunal
dated 10.4.1997, further action appears to have
been taken. The Central Bank of India, Maskati
Market Branch, Ahmedabad vide their letter dated
30.4.1997 addressed to this Tribunal had reported
as below :-

"(1) We have already calculated the arrears of Family Pension payable to above applicant Smt.Rukmini Balaram Dhamankar (Please refer her OA.No.144/96 dt.12.2.97) payable from 16.8.94 to 31.3.97 in consultation with the Western Railway Authority.

(2) We have already disbursed/remitted the arrears of pension upto 31.3.97 for Rs.32052/- to our Dadar branch for credit of her savings Bank account No.15796 through our Demand Draft despatched on 28.4.97 under advice to the above pensioner and her advocate.

(3) Further calculating and disbursement of pension will be effected at our Dadar branch from April '97 onwards upon submission of the revised/new pension payment order by the concerned Western Ely. authority to our Dadar branch."

3. Counsel for the respondents has also filed a copy of instructions issued by FA & CAO, Western ^{Zonal office} Railway to the Central Bank of India, ^{Zonal office} D.N.Road authorising payment of family pension at the rates indicated w.e.f. 1.4.1997. On the back of this Memorandum following note appears :-

" On scrutinising the calculation of the arrears of Family Pension from 16.8.1994 upto 31st March,97, it has come to notice to this office that Family Pension for the above period has been worked out Basic = @ Rs.375/- whereas Smt.Rukmini Balaram Dhamankar is eligible to get Enhanced Family Pension at the rate of 530/- + DA + IR. w.e.f. 16.8.94 to 2.3.1997, thereafter Normal Fam.Pension at the rate of Rs.375/- + DA + IR (As admissible till her death or re-marriage whichever is earlier). Difference between E.F.P. and N.F.P. is also worked out & paid at your end."

Since the communication from Central Bank, Ahmedabad is dated 30.4.1997, it is evident that they were not aware of this communication dated 29.4.1997 addressed to the Zonal Office of Central Bank of India. Action to make payment of the enhanced family pension at the

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rate of Rs.530/- + DA + IR w.e.f. 16.8.94 to 2.3.1997 should be taken by the paying bank, namely, Central Bank of India, Shantidoot Hotel Building, Opp. Hindmata Cinema, Dadar, A/C No. 15796. Action in this regard should be taken within three months from the date of communication of this order. A copy of the order also may be marked to the Central Bank of India, Dadar on the addressed mentioned above.

4. Counsel for the applicant prays for grant of interest on the arrears. Counsel for the respondents opposes grant of interest on the ground that it was because of the failure of the applicant to approach the correct authority which caused delay and it is primarily the responsibility of the Bank to take necessary action. It is further stated that in terms of the Tribunal's order the Railways had taken action to mobilise the machinery to see that transfer of the account along with transfer of the arrears of pension and family pension take place. In my view, the main point in relation to payment of interest is to see whether ^{and} which party had the use of money during the period when the payment was not made. The reply to this question being inaffirmity, I am of the view that Central Bank is liable to pay interest to the applicant from the ~~date~~ ^{and} first intimation was sent to the Bank by the daughter of the applicant, namely, 9.9.1994 till 30.3.1997. The rate of interest would be the rate applicable to the deposits on the savings bank account in a scheduled bank or the rate of interest stipulated in the CPC whichever is more. Under the circumstances, the rate of interest would be 6% ^{at the rate Central Bank to pay interest on the amount indicated in para 2 supra}

The Central Bank should also pay interest on the arrears of enhanced family pension from 16.8.1994 till the date of payment. Payment of interest also to be completed within three months from the date of communication of the order. There will be no orders as to costs.

M.R.Kolhatkar
(M.R.KOLHATKAR)
MEMBER (A)

mrj.