

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 344 of 1999.

Dated this Thursday the 9th day of September, 1999.

Smt. Chandrabhaga Prabhakar Bhondve, Applicant.

Shri J. M. Tanpure, Advocate for the
applicant.

VERSUS

Union of India & Others, Respondents.

Shri R. K. Shetty, Advocate for the
Respondents.

CORAM: Hon'ble Shri B. N. Bahadur, Member (A).

- (i) To be referred to the Reporter or not ? No
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? No

B. N. Bahadur
(B. N. BAHADUR)
MEMBER (A)

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ORIGINAL APPLICATION NO.: 344 of 1999.

Dated this Thursday, the 9th day of September, 1999.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Smt. Chandrabhaga Prabhakar Bhondve,
Widow of late Prabhakar Bhondve,
Ex-employee of the Officer Commanding
Engineering Store Depot,
Dehu Road, Pune - 412 101.
Resident of -
At & Post Ravet,
Tal. Haveli, Dist. Pune.

... Applicant.

(By Advocate Shri J. M. Tanpure)

VERSUS

1. Union of India through
The Secretary,
Ministry of Defence,
South Block,
New Delhi - 110 001.

2. The Officer Commanding Engineer,
Store Depot, Dehu Road,
Pune - 412 101.

3. The Controller of Defence
Accounts (Pension),
Allahabad.

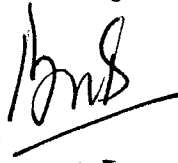
... Respondents.

(By Advocate Shri R. K. Shetty for the
Respondents).

O R D E R [ORAL]

Both Counsel heard. Since counsel for applicant and respondents both bring to the notice of the Tribunal that the first relief sought at para 8 (a) has already been granted, and

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that the only relief now outstanding is that of interest [para 8(b)], this matter is heard and being disposed of at the admission stage.

2. The point for consideration here is ^avery short and simple point, i.e. whether the applicant is entitled to the interest. Since no period for which interest is being sought has been stated in the application, information on this point was ascertained from the Counsel for respondents during argument. He pointed out that the interest should be granted for the period from the date on which application was made i.e. 28.09.1998 till the date of actual payment to the applicant, which is around last week of August, 1999.

3. The point as to whether the interest also should be given from the year 1991 was sought to be ascertained. No rule or any other document was produced by the applicant to show that it was the duty of the C.D.A. to grant this relief su-moto and that the argument taken by the respondents that an application has to be made by the applicant is valid. In the absence of any such document, citation, etc., the question of granting interest from 1991 onwards does not arise. The Learned Counsel for the respondents ^{BmB} ~~also~~ argues that interest may be granted from September, 1998 i.e. from the date on which the application was made.

BmB

4. Now it is obvious that ~~mere~~ making of an application, cannot entitle the applicant for interest from that date. A reasonable period, say of three to four months would need to be taken, which would notionally take us to month of January, 1999. The orders for payment of pension has been made in the month of May, 1999, as admitted by both parties. It would not be relevant to stress the point too far since a few months gap only remains now. The orders were indeed made in the month of May, 1999 and it was only because of the procedural delay, as pointed out by the Learned Counsel for the respondents, that the applicant received the amount in August, a few months later. Thus, it cannot be said that there is ~~willful~~ or great delay in the payment of the balance amount of family pension to her. As already stated, in the absence of any documents in this connection, the question as to whether the C.D.A. should su-moto initiate action on payment of such pension/family pension is not being decided here. Similarly, we have not taken cognizance of the doubt exercised by the counsel for respondents on the fact as to whether the application was posted or otherwise. Nevertheless, in view of the discussions made above, no case is made out for the interest payment, as sought under para 8(b) of the application. The relief sought at para 8(a) has already become infructuous, as admitted by both sides during argument.

5. In consequence, the application is hereby dismissed. No order as to costs.

B. N. Bahadur

(B. N. BAHADUR)'. .

MEMBER (A)