

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.03/99.

Thursday, this the 2nd day of March, 2000.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

Smt. Nirmal Wd/o Shri Daulatram
Assudomal Menghani,
wife of Ex. Pointsman,
C/o. Shri K.B.Talreja,
Phulwadi,
Plot No.16,
Dev Samaj Road,
Ulhasnagar - 421 004.

...Applicant.

(By Advocate Mr.K.B.Talreja)

Vs.

1. The Union of India through
the General Manager,
Central Railway, Mumbai CSTM,
Mumbai.
2. The Divisional Railway Manager,
Central Railway, Mumbai CSTM,
Mumbai.

...Respondents.

(By Advocate Mr.R.R.Shetty)

: O R D E R (ORAL) :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant for payment of family pension, interest and costs. The respondents have filed reply. During the pendency of the O.A. the Tribunal after hearing both sides passed an interim order dt. 28.1.1999 directing the respondents to make at least part payment of the amount due to the applicant. Subsequently, the department has issued PPO dt. 31.3.1999 withi a week and applicant has been paid the arrears of pension.

Now, the only question is whether the applicant is entitled to interest and if so at what rate and for what period.

2. The applicant's counsel contended that he had

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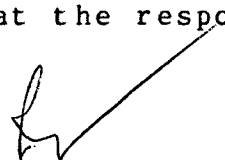
produced the succession certificate on 25.8.1998 in pursuance of the previous order of the Tribunal dt. 18.7.1996 in O.A. 39/96. But, the respondents did not make payment of family pension and hence the applicant was forced to file the present O.A. on 30.12.1998. He, therefore, argued that at least from 25.8.1998 till the date of issue of PPO viz. 31.3.1999, respondents are liable to pay interest at the rate of 18% p.a.

3. On the other hand, the respondents counsel pointed out that though the applicant had produced succession certificate along with the letter dt. 25.8.1998, she had not completed all the formalities and Bank particulars were furnished only on 18.1.1999 and afterwards there was usual administrative delay in getting sanction and issue of PPO. He, therefore, submitted that no case is made out for grant of interest. After hearing both sides, though I find that applicant had submitted a letter dt. 25.8.1998 along with copy of succession certificate, she had not furnished bank particulars. The PPO is issued for crediting pension amount to an Account of an official in any Nationalised Bank. Therefore, furnishing of Account Number of a particular Bank is a must for issuance of PPO. The learned counsel for the respondents placed before me an official correspondence dt. 22.1.1999 written by Mrs. Alka Mishra, Senior DPO to Senior DAO, where it is mentioned that applicant had furnished bank particulars only on 18.1.1999 and in the meanwhile there was an interim order by this Tribunal and therefore, requested the concerned officer to release PPO at the earliest.

We may grant another eight to ten days for the concerned authority to go through the record and issue the PPO.

In the circumstances, I hold that the respondents

...3.



are not liable to pay any interest till at least 31.1.1999.

There is absolutely no explanation as to why delay has occurred from 1.2.1999 till 31.3.1999. Therefore, in the facts and circumstances of the case, I hold that the applicant is entitled to interest for the period from 1.2.1999 till 31.3.1999.

As far as rate of interest is concerned, in the facts and circumstances of the case, I allow interest at the rate of 9% p.a.

4 In the result, the application is allowed partly. The respondents are directed to pay interest at 9% p.a. for the delayed payment of Rs.1,36,000/- for the period from 1.2.1999 to 31.3.1999. This interest should be paid within two months from the date of receipt of copy of this order. In the circumstances of the case, there will be no order as to costs.



(R.G.VAIDYANATHA)

VICE-CHAIRMAN

B.