

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

REVIEW APPLICATION NO:13/2001 IN
ORIGINAL APPLICATION NO:973/99

12/06/2001

CORAM: HON'BLE SMT.SHANTA SHAstry, MEMBER(A)

This is a review application filed in respect of OA No.973/99 which was decided on 31/1/2001. The review is for reconsidering grant of interest on the arrears of ex gratia payment made to the applicant from the period 17/11/94 till February, 2001. By the order dated 31/1/2001, the request for interest was rejected.

2. It is the contention of the applicant that the applicant was legally entitled to the ex gratia payment. The IVth Central Pay Commission recommended the ex gratia payment to the widows of Contributory Provident Fund Retirees and after the Presidential sanction Appendix 13 was included in the CCS Pension Rules 1972.

The orders are law as per Article 13(3a) of the Constitution and therefore it can be challenged in the appropriate Court. According to the applicant ex gratia payment is not a gratis payment and the Tribunal erred in holding that the Respondents have graciously granted ex gratia payment. The respondents by granting the ex gratia payment have not obliged the applicant and also the payment of ex gratis is not depending upon the mercy or sympathy of the respondents but they are duty bound to pay the same. Therefore, the ex gratia payment is on par with the regular retirement benefits. The applicant has therefore called for review of the order dated 31/1/2001 and to allow the interest on the arrears of ex gratia payment from 17/11/94 till February, 2001.

3. In the order on the OA, it has been clearly pointed out that the applicant was not entitled to any interest for the period from 17/11/94 to 15/11/96 and even for the remaining period there is no deliberate delay on the part of the respondents and therefore no interest is payable. The question of interest on retiral benefits comes up only if there is deliberate delay on the part of the Government in sanctioning and releasing the same within a resonable time. In the circumstances no review is called for in this case.

4. In the result, the review petition is rejected.

Shanta F

(SHANTA SHAstry)
MEMBER(A)

abp