

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 128 of 2001.

Dated this Wednesday the 12th day of December, 2001.

Smt. Sudha Dinkar Deshmukh, Applicant.

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

VERSUS

Union of India & Another, 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 ? X
- (ii) Whether it needs to be circulated to other X
Benches of the Tribunal?
- (iii) Library. X

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

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MUMBAI BENCH

ORIGINAL APPLICATION NO.: 128/2001.

Dated this Wednesday the 12th day of December, 2001.

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

Smt. Sudha Dinkar Deshmukh,
Widow of late D.G. Deshmukh,
Ex-Store Keeper of
512 A/B W/Shop,
Kirkee, Pune - 411 003.
R/at - 685, Budhwarpath,
Pune - 411 002.

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Applicant.

(By Advocate Shri J. M. Tanpure)

VERSUS

1. Union of India through
The Commandant,
512, Army Base Workshop,
Kirkee, Pune - 3.

2. The Chief Controller of
Defence Accounts (Pensions),
Allahabad.

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Respondents.

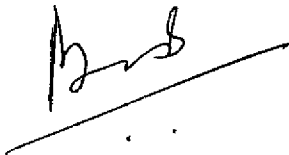
(By Advocate Shri R. K. Shetty)

O R D E R

PER : Shri B. N. Bahadur, Member (A).

The applicant in this case Smt. Sudha Dinkar Deshmukh comes up to the Tribunal seeking reliefs as follows :-

"(a) 18% interest on the arrears of family pension and last month salary be paid for the period of 2 years i.e. from DEC., 1996 to DEC., 1998.



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- (b) 12% interest be paid on the amounts of Gratuity, and Provident Fund, for the period of 23 years i.e. from 01/01/1975 till 1998.
- (c) Respondent No. 2 be directed to revise correctly the revision of family pension under RPR 97, Corr PPO due to 5th Pay Commission i.e. revision of pre-86 reitrees.
- (d) Exemplary costs be allowed."

2. The applicant states that the facts of the case are that her husband Dinkar Gangadhar Deshmukh expired on 13.10.1974 while in the service of the respondents. The applicant being his first wife, married to him in 1951, claimed all the terminal benefits but another so called second wife, Dipavali, married in 1967 has also been claiming terminal benefits, since 1975. It is further stated that the applicant and the said second wife were fighting legal cases against each other in the Civil Court, Pune and in High Court at Bombay and that after the said legal proceedings came to an end, the applicant had submitted signed pension papers on 11.10.1996. Despite further persuing the matter, the pensionary benefits were paid to applicant after a long delay on which ground the applicant is before us seeking interests, as stated above (para 1 above).

3. The respondents have filed a written statement in reply stating that the claim of the applicant for interest on P.F. is automatically satisfied since interest is calculated till the month prior to the month in which the Provident Fund is actually

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paid. The claim for interest on gratuity is resisted by the Respondents since it is stated that the deceased employee had nominated Mrs. Dipavali, his second wife. The respondents also take objection in regard to limitation, delay and laches specially since this is a money claim. Further details are provided in the written statement, which seeks to meet the averments made in the O.A. parawise.

4. It is also seen that an M.P. No. 610/2001, has been filed seeking production of certain documents to which a reply has been filed by Respondents stating that PPO, etc. has been forwarded to the Bank, with copy to applicant, and that these documents are being unnecessarily asked for again. A copy of the calculation sheet is nevertheless provided.

5. I have heard the Learned Counsel on both sides and have perused the papers in the case. In the first instance, I accept the stand taken by the respondents in reply to the M.P. and since they have filed one calculation sheet, I allow this to be taken on record. However, the request for further filing of papers as requested, is not warranted and is rejected. M.P. No. 610/2001 therefore stands disposed of in the above terms.

6. In regard to the merits of the case, it is clear that as per the admission of the applicant herself, the matter concluded somewhere around June, 1996 at which point copies of the judicial

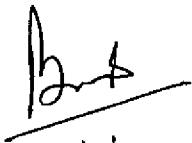
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decisions referred to were forwarded by the applicant to the concerned authorities. She, nevertheless, seeks interest for a period from six months beyond this, i.e. from December, 1996 to December, 1998. In first place, there is a full justification in the stand taken by the Respondents in regard to P.F., and since interest has already been provided, there is no justification in the demand made by the Applicant. I see no rebuttal of this factual position in any rejoinder, etc. and hence find no reason to doubt the factual averments made by the Respondents.

7. In regard to the demand for interest on gratuity also, there is justification in the stand taken by the Respondents that after all there was a dispute here regarding who the person eligible to receive pensionary benefits was and the matter was admittedly in Court/s for long. Interest certainly can be awarded in case where there is an element of negligence, delay, etc. In circumstances which are far from normal, i.e. where two ladies come up to claim the dues of the deceased Government servant, the respondents cannot be faulted for taking precautions regarding Government money i.e. precautions which can be regarded as reasonable, in keeping back payments of pensionary benefits, pending resolution of disputes. Thus, no negligence or inefficiency can be ascribed to Respondents.

8. Under the circumstances, I am convinced that the stand taken by the respondents is justified and that the applicant has



not proved that she deserves the interest as sought by her. In regard to relief sought at para 8 (c), it is seen that it is not a consequential relief and is really a multiple relief. It cannot, therefore, be dealt here.

9. The O.A. fails on merit but it must be noted that even on limitation, delay and laches, the case of the applicant is indeed weak. She has come up to the Tribunal in February, 2001 when and that too without a M.P. praying for condonation of delay. Her case is hit in terms of the ratio of the judgement of Supreme Court in the case of State of H.P. V/s. Udham Singh Kamal & Others reported at 2000 SCC (L&S) 53.

10. In view of the above discussions, the O.A. is seen to be devoid of merits and is accordingly dismissed, with no order as to costs.

B.N. Bahadur

(B.N. BAHADUR)
MEMBER (A)

mrj/os*