

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BEACH

Original Application No: 1319/93

Transfer Application No:

DATE OF DECISION 23.8.1994

Smt. S. S. Amre. Petitioner

Shri A. I. Bhatkar. Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri R. K. Shetty. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

The Hon'ble Shri

1. Whether Reporters of Local Papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

  
(M. S. DESHPANDE)  
VICE-CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, BOMBAY.

Original Application No.1319/93.

Smt. S. S. Amre.

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

Appearances:-

Applicant by Shri A. I. Bhatkar.  
Respondents by Shri R. K. Shetty.

Oral Judgment :-

¶Per Shri M. S. Deshpande, Vice-Chairman] Dt. 23.8.1994.

The only question which survives for consideration in this application is about the amount of interest and the payment of the balance of the D.C.R.G. after a substantial payment has been made.

2. The applicant's husband Late Subhash D. Amre died on 25.4.1993 while he was employed with the Respondents. The amount of D.C.R.G. payable for his past services was authorised to be paid to his wife the present applicant on 21.7.1993. The authorisation was for Rs.22,225/- (Exh.-I). The actual payment, however, was not made until 4th March, 1994 and that was only in respect of the amount of Rs.21,212/-. The letter authorising the payment of this amount was issued on 20.12.1993 i.e. after the filing of the present application on 21.12.1993. The contention of the Respondent is that only Rs.22,225/- was to be paid out of the gross amount of Rs.25,725/- because a deduction had to be made from the applicant being Rs.2,500/- which was paid as immediate relief upon the demise of her husband and Rs.1,000/- was due on account of un-assessed licence fee of the Government

accommodation occupied by the family of the deceased. The payment of the balance would be made only upon issue of 'No Demand Certificate', but an amount of Rs.1,013/- was to be paid by the deceased of which Rs.698/- was for the Bicycle of the Department, Rs.120/- for the Thermos Flask and Rs.125/- on account a Wall Clock which were in the possession of the deceased and had not been returned.

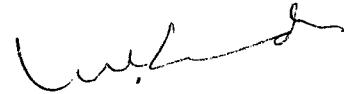
3. It is apparent that under Rule 68 of the Pension Rules interest may not be paid if the authorisation for the D.C.R.G. is made within three months and that delay is not on account of administrative lapse. The applicant's husband had died on 25.4.1993 and there is nothing on record to show that the period of three months was taken due to administrative lapse. The amount of Rs.21,212/- was offered to the applicant, but she refused to accept the amount in December, 1993. It is therefore, clear that the applicant would be entitled to an interest at Rs.7% p.a. for the period of 5 months under Rule 68 ibid on the amount of Rs.21,212/- for the period upto 20.12.1993 when the offer was made.

4. With regard to the balance, it is clear that there had been correspondence between the parties, but no notice had been given to the applicant about the withholding of the balance and the Respondents could not have unilaterally withheld a part of the amount i.e. 1,013/- remains to be paid, the applicant would be entitled to payment of that amount at the rate of 7% till the date of payment. These payments be made

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within two months from the date of communication of  
the order ~~to~~ the Respondents.



(M.S.DESHPANDE )  
V ICE-CHAIRMAN

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