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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. : 1172/94.

~~Transfer Application No.~~

Date of Decision SEPTEMBER 07, 1995.

Smt. G. L. Dive,

Petitioner/s

Shri S. S. Karkera,

Advocate for
the Petitioner/s

Versus

Union Of India & Others,

Respondent/s

Shri R. R. Shetty,


Advocate for
the Respondents

CORAM :

Hon'ble Shri. B. S. Hegde, Member (J).

~~Don't file Shri.~~

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B. S. HEGDE)
MEMBER (J).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO.: 1172 OF 1994.

Smt. G. L. Dive Applicant
Versus
Union Of India & Others ... Respondents.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J).

APPEARANCE :

1. Shri S. S. Karkera,
Counsel for the applicant.
2. Shri R. R. Shetty,
Counsel for the respondents.

ORAL JUDGEMENT


DATED : SEPTEMBER 7, 1995.

{ PER.: SHRI B. S. HEGDE, MEMBER (J) }

1. The only question that arise for consideration is the demand for interest on the delayed payment of pension to the widow of Shri L. C. Dive, who was working as Mechanical Signal Maintainer with the Respondents. The respondents vide their reply stated that she is not entitled to any payment of interest on the delayed payment of pension because the applicant filled up the requirement forms for payment of Family Pension only on 22.01.1990. Therefore, the delay in payment of family pension to the applicant from 1976 to 1990 is not on account of the respondents and the respondents are, therefore, not liable to pay her any interest until 22.01.1990.

2. The respondents have paid a sum of Rs. 94,080.00 to the applicant towards arrears of pensionary benefits. Since the applicant did not fulfill the requisite formalities till 22.01.1990, the question of seeking any interest till that period does not arise. Infact, the payment of pensionary benefits were made to the applicant on 18.04.1995, in the circumstances, the respondents are directed to pay interest on pensionary benefits @ 12% p.a. from 22.01.1990 to 18.04.1995 and the same is required to be paid within three months from the date of receipt of this order.

3. With the above directions, the O.A. is disposed of. No order as to costs.


(B. S. HEGDE)
MEMBER (J).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH AT BOMBAY

ORIGINAL APPLICATION NO. 1172 OF 1994

Smt. Gangabai Laxman Dive

.. Applicant

Vs.

Union of India & Another

.. Respondents.

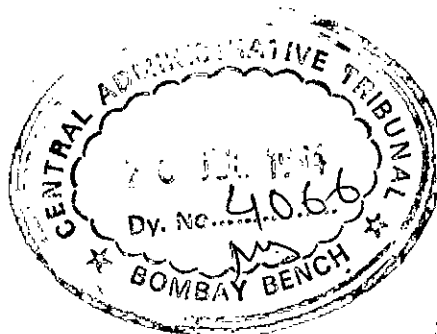
I N D E X

Sr. No.	Exhibit	Particulars	Page No.
1.		Original Application	1-8
2.	Ex. 'A'	Copy of the letter dated 25-2-86	9
3.	Ex. 'B'	Copy of the letter dated 29-7-85	10
4.	Ex. 'C'	Copy of the letter dated 12-7-78	11-12
5.	Ex. 'D'	Copies of representations dated 21-3-1988 and 3-10-1988.	13-14
6.	Ex. 'E'	Copy of letter dated 2-1-90.	15

Bombay,

Dated: 26.7.94

Applicant.



Ans.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH AT BOMBAY
ORIGINAL APPLICATION NO. 1172 OF 1994

Smt. Gangabai Laxman Dive,)
aged about 60 years, residing)
at Jetvan Nagar, Nasik Road, Nasik) .. Applicant

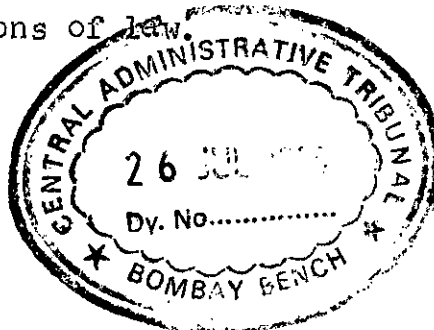
Vs.

- 1) Union of India,
Through the Secretary,
Ministry of Railways, ~~New Delhi~~
RAILWAY BOARD, RAIL BHAWAN, NEW DELHI
- 2) Divisional Railway Manager(T),
Central Railway,
Bhusawal, Dist. Jalgaon.
- 1) G.M. C. Rev. is
Competent Authority
to deal with this
matter. As per letter
dated 2/1/4/94.
16/11
- .. Respondents.

DETAILS OF THE APPLICATION

1. ORDERS CHALLENGED:

The applicant is challenging in-action on the part of the respondents to grant her the family pension for which she is entitled to in view of the fact that her husband died while in service on 24-5-1976 after putting in 25 years of service and to which she is ~~entitled~~ otherwise entitled to under the relevant provisions of law.



2; LIMITATION :

The applicant states that by letter dated 2-1-1990 issued for and on behalf of the respondent No.2 whereby she was informed and advised that she should submit the application for grant of family pension on the prescribed form. The applicant states that she duly filled in all the forms prescribed however, she has not received any reply whatsoever till date and no action has been taken by the respondents in furtherance of her case for grant of family pension and hence this application.

3. JURISDICTION:

The applicant states and submit that the present application is within the jurisdiction of this Hon'ble Tribunal.

4. FACTS OF THE CASE:

1. The applicant states that she is a very poor widow and in fact belongs to the Hindu Mahar community. The applicant states that her late husband Laxman Bhika Dive was working in a Niphad Railway Station as a Mechanic Signal Maintainer in the grade of Rs.260-400. Unfortunately he died on 24-5-1976 while in service. The applicant states that she was unemployed and had to maintain her large family with the provident fund returns which she received after the death of her husband Laxman Bhika Dive. The applicant states that she can be said to be below poverty line and had to face very hard days.