

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 1242/95

Date of Decision : 2.5.2000

Smt. M.R.Rajpathak Applicant.

Shri V.H.Kulkarni Advocate for the
Applicant.

VERSUS

Union of India & Others, Respondents.

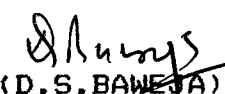
Shri R.R.Shetty for Advocate for the
Shri R.K.Shetty Respondents.

CORAM :

The Hon'ble Shri D.S.Baweja, Member (A)

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the Reporter or not ? P
- (ii) Whether it needs to be circulated to other
Benches of the Tribunal ?
- (iii) Library P


(D.S.BAWEJA)
MEMBER (A)

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.1242/95

Tuesday this the 2nd day of May, 2000.

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

Smt.Malati Ramchandra Rajpathak,
W/o Late R.W.Rajpathak,
R/o 428/A Shanwar Peth,
Pune.

...Applicant

By Advocate Shri V.H.Kulkarni

V/S.

1. Union of India
through its Secretary,
Ministry of Defence
(D-FY-II), South Block,
New Delhi.

2. The Director General of
Ordnance Factory Board
10 A Auckland Road,
Calcutta.

3. The general Manager,
Ammunition Factory,
Kirkee, Pune.

... Respondents

By Advocate Shri Ravi Shetty
for Shri R.K.Shetty

O R D E R (ORAL)

{Per : Shri D.S.Baweja, Member (A)}

This OA. has been filed by the widow of late Shri R.W.Rajpathak who was working as Supervisor Grade 'B' in Ammunition Factory, Kirkee seeking the regularisation of first spell of her husband's service from 12.12.1939 to 14.12.1945 for

..2/-

the purpose of pensionary benefits. The applicant has sought the following reliefs :-

- (a) Regularisation of the first spell of service of her husband.
- (b) Direct the respondents to pay all the arrears of pension arising thereof including the enhanced pension.
- (c) 16% compound interest on the payment for delay.
- (d) Damages of Rs.10,000/- for the gross negligence of Respondent No. 3.

2. Respondents have filed the written statement opposing the claim of the regularisation of first spell of service.

3. The applicant has not filed any rejoinder reply for the written statement. We have heard Shri V.H.Kulkarni, learned counsel for the applicant and Shri Ravi Shetty for Shri R.K.Shetty, learned counsel for the respondents.

4. The counsel for the respondents made a statement at the Bar that the period of earlier spell of service from 12.12.1939 to 14.12.1945 has been since regularised by the respondents. This is confirmed by the counsel for the applicant. The only action now remains to be taken by the respondents is with regard to refixation of the pension after regularisation of this period and payment of arrears of pension and family pension thereon accordingly. For carrying out this exercise, the OA. can be



disposed of giving a direction to the respondents to arrange refixation of the pension and the pay of arrears within a stipulated period.

5. As regards the claim of interest on the payment of arrears, it is noted that the applicant had retired on 3.12.1971. The present OA. has been filed only in 1995 seeking the relief of regularisation of first spell of service for the purpose of pensionary benefits. Therefore, no claim of interest on the payment of arrears on refixation of the pension after regularisation of first spell of service can be allowed. However, it is noted that the decision to regularise the first spell of service had been taken by the respondents in 1996. However, the payment of arrears etc. thereafter has not been arranged so far. On questioning, the learned counsel for the respondents as to the reasons for delay in making the payment thereafter, he could not throw any light on the same. We are of the opinion that once the respondents had decided to regularise the period, the respondents should have made the payment of the arrears arising thereof within a reasonable period. In the absence of any satisfactory reasons for delay, we hold that the applicant is entitled for payment of interest on the arrears of pension as become due after allowing a period of six months for processing the papers from the date of decision of regularisation of service. The interest will be payable at the rate of 12% per annum. The interest will be payable on the arrears as become due


both on the family pension of the applicant as well as pension of her husband. It is clarified that no interest will be payable on the arrears as will arise upto 16.8.1996.

6. For the claim of damages made by the applicant, the Tribunal has no jurisdiction to award damages.

7. In the result of the above, the OA. is disposed of with a direction that the respondents will take action to refix the pension and work out the arrears of pension and family pension and arrange payment of the same along with the interest thereon as per direction above in para 5 within a period of four months from the date of receipt of this order. No order as to costs.


(S.L.JAIN)

MEMBER (J)


(D.S.BAWERA)

MEMBER (A)

mrj.