

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 692/97.

Date of Decision: April 02, 1998.

Smt. Rukminibai Arjun Karande,

Applicant.

Shri J. M. Tanpure,

Advocate for  
Applicant.

Versus

Union Of India & Others,

Respondent(s)



Shri R. K. Shetty,

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R. G. Vaidyanatha, Vice-Chairman.

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

  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 692/97.

Dated this Thursday, the 2nd day of April, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,  
VICE-CHAIRMAN.

Smt. Rukminibai Arjun Karande  
W/o. Arjun Shambhu Karande,  
Ex-Employee of Central Ordnance  
Depot, Dehu Road, Dist. Pune,  
R/o.: Kumbhar Chawl, Dehu Rd.,  
Pune - 412 101.

... Applicant

(By Advocate Shri J. M. Tanpure)

VERSUS

1. Union Of India through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 001.
2. The Chief Controller of  
Defence Accounts (Pensions),  
Allahabad.
3. The Commandant,  
Central Ordnance Depot,  
Dehu Road,  
Pune - 412 101.

... Respondents.

(By Advocate Shri R. K. Shetty)

: OPEN COURT ORDER :

! PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN !

This is an application filed by the applicant seeking a direction for getting enhanced pension from 31.07.1974 and other consequential reliefs. The respondents have filed reply. I have heard the Learned Counsels appearing on both sides.

2. The applicant is the widow of Arjun Shambhu Karande, who was working as a Mazdoor under Respondent No.3 at the Central Ordnance Depot, Dehu Road, Pune.

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He died in July 1974. Consequently, the applicant is getting pension from 31.07.1974 till date. The applicant's case is that, she is given only Rs. 112/- per month as pension w.e.f. 31.07.1974 and she is not given dearness relief and interim relief on pension w.e.f. 31.07.1974. She made number of representations to the respondents and also got a legal notice issued, but in vain. Therefore, she has approached this Tribunal by the present O.A.

3. The respondents have filed a reply almost conceding the prayer of the applicant. It is admitted that the applicant is entitled to dearness relief and interim relief on pension from July 1974 till date. It is also stated by them that the arrears of dearness relief and interim relief on pension has since been paid to the applicant for the period from 01.05.1994 till today. The applicant is now receiving the enhanced pension.

As far as the period prior to 01.05.1994 is concerned, the respondents have already taken steps for making payment and the matter is under process. The Learned Counsel for the respondents submitted that the payment will be made in respect of arrears of dearness relief and interim relief on pension for the period from 31.07.1974 to 30.04.1994 within three months, since the administration may take some time to make the calculations and get the sanction of the competent authority.



4. The Learned Counsel for the applicant pressed for interest on the arrears to be paid to her. The Learned Counsel for the respondents submitted that since this is a money claim, the claim is barred by limitation as far as the old interest is concerned. Even if we accept that it is a money claim, still the applicant can go to a Court of Law and claim interest for a period of three years prior to the date of <sup>fruits</sup> the sue. Now the respondents have also not contested the proceedings and have fairly <sup>conceded</sup> considered the demand of the applicant and have already paid the arrears from 01.05.1994 till today, in these circumstances I feel that interest should be granted on the arrears only for a period of three years prior to the date of filing of the O.A. <sup>now</sup> till the date of payment. In the circumstances of the case, I feel interest @ 9% per annum <sup>3</sup> would be just and reasonable.

The applicant is now residing at Dehu Road, Pune, where she has an account with Bank Of India, and it would be easy for the applicant to draw the arrears of pension if the amount is credited to the Branch of Bank of India at Dehu Road, where she is having an account. The Bank of India, Dehu Road Branch, should calculate the arrears of pension to be paid to the applicant on the question of Dearness Relief and interim relief on pension, on getting instructions from the respondents. The respondents should give necessary direction to the Bank of India, Dehu Road, about the entitlement of the petitioner for

Dearness Relief and interim relief on pension as per rules for the period from 31.07.1974 to 30.04.1994 less whatever amount that has already been paid to the applicant for that period.

5. In the result, the O.A. is disposed of with the following directions :-

- (i) The applicant is entitled to get Dearness relief and interim relief on pension from 31.07.1974 to 30.04.1994 as per rules less whatever amount that has already been paid. Respondents should give necessary instructions to the Bank Of India, Dehu Road Branch, Pune, to make payment within a period of three months from the date of receipt of this order.
- (ii) The applicant is entitled to interest @ 9% per annum on the total arrears to be paid to the applicant towards Dearness Relief and Interim Relief on pension only for a period of three years prior to the date of filing of this petition <sup>and</sup> till the date of payment.  
*R. G. Vaidyanatha*
- (iii) In the circumstances of the case, there will be no order as to costs.

*R. G. Vaidyanatha*  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.