

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, CAMP AT AURANGABAD

Original Application No. 959/1998.

Friday, this the 7th day of December, 2001.

Hon'ble Shri S.R. Adige, Vice-Chairman (A).

Smt. Yenabai Deoram Shrawan,
Village: Savkheda (Via Khorada),
Taluka : Raver,
District : Jalgaon.
(By Advocate Shri S.P. Saxena)

...Applicant.

v.

1. Union of India through
the Secretary,
Railway Board,
New Delhi - 110 011.
 2. The General Manager,
Central Railway,
CST, Mumbai - 400 001.
 3. The Divisional Railway Manager,
Central Railway,
Bhusawal,
District : Jalgaon - 425 201.
 4. The Sr. Divisional Accounts Officer,
Central Railway, Bhusawal,
District : Jalgaon - 425 201.
- (By Advocate Shri R.R. Shetty for
Shri Suresh Kumar).

... Respondents.

ORDER

By S.R. Adige, Vice-Chairman (A).

Applicant seeks a direction to respondents to release the amounts standing in the name of her deceased husband towards P.F.; Insurance; Leave Encashment, DCRG; and family pension with arrears; and to grant interest @ 18% p.a. on all the outstanding dues till they are actually paid to applicant.

2. Heard both sides.

3. During arguments, the only reliefs ^{pressed} ~~presented~~ by applicant's counsel were for payment of interest owing to delayed release of final retiral dues from 1980 onwards till the date of actual release.

4. Respondents counsel conceded that applicant was entitled to interest on the delayed release of GPF as this sum represented applicant's deceased husband's own money, but as regards interest on other retiral dues he submitted that respondents were not liable to pay the same as applicant had preferred this OA on 6.10.1998, although her husband had expired in 1980 itself.

5. In this connection, respondents reply to the OA reveals that applicant's husband, who joined their service on or about 1956 was reported to have remained unauthorisedly absent from duty from 27.1.1970 till 27.4.1980. Major penalty charge sheet was issued to him on or about 12.4.1980, but the disciplinary proceedings could not be completed. Respondents further state in their reply that they came to know about the death of applicant's husband only when applicant applied for payment of admissible dues in 1992. Thus, according to respondents, applicant's husband was unauthorisedly absent from duty for approx. 10 years upto his date of death, and thereafter applicant took more than 12 years to inform respondents about the death of her husband.

6. These contentions have not been denied by applicant in any rejoinder.

7. However, there is no satisfactory explanation on the part of the Respondents as to why prompt action was not taken by them to pay applicant's legitimate dues when she brought to their notice the fact of the death of her husband in 1992. Indeed in para 7 of their reply, to the OA filed on 7.10.1999 respondents have stated that a sum of Rs. 732/- towards P.F. amount has been arranged (emphasis supplied) to be paid. This means once till that date, which is approximately seven years after applicant had brought to respondents notice the fact of the death of her husband, the GPF amount had still not been actually released. It is further stated in aforementioned para 7 that payment of family pension and other dues have also been processed (emphasis supplied) and sent for verification and would be paid if admissible. In other words, till the reply of respondents to the OA was filed on 7.10.1999, even the verification of applicant's claim for family pension and other retiral dues had not been completed, although she had brought to respondents notice the fact of the death of her husband in 1992 itself.

8. In my considered view, a period of 6 months with effect from the date applicant brought to respondents notice the fact of the death of her husband, should have been sufficient for respondents to process and verify applicant's claim for admissible retiral dues upon her husband's unfortunate demise. Applicant is a poor and illiterate widow living in the interior of the state and she should not have been

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compelled to file this OA merely to secure, her legitimate dues, which in any circumstances gave her a continuous cause of action till the dues were actually paid.

9. In the result, this OA is disposed of with the following directions:

1. Applicant will be entitled to interest @ 12% p.a. on GPF amount with effect from 1980 till the date of actual payment.
2. Applicant will also be entitled to interest @ 12 % p.a. on all other retiral dues released to her, to be calculated with effect from the date six months after she brought to respondent's notice the fact of the death of her husband, till the date each of the payments were actually made.
3. These amounts should be paid to her within 3 months from the date of receipt of a copy of this order.

10. The OA is disposed of in terms of the contents of paragraph 9 above. No costs.

S.R. Adige
(S.R. Adige)
Vice Chairman(A)