

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A.NO.060/00822/2014 Date of order:- September 08, 2015

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mr. Uday Kumar Varma, Member (A).

Sudarshana Devi wd/o late Sh. Sadhu Ram Goyal, resident of House NO.4384, Gali Vidya Mandir Wali, Kikkar Bazar, Bathinda.

.....Applicant.

(By Advocate: - Mr. Manoj Dhiman, Advocate for Mr. A.K.Walia)

Versus

1. Union of India through Secretary, Ministry of Communication & IT Department of Telecommunication, New Delhi.

2. Bharat Sanchar Nigam Limited, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane, Janpath, New Delhi-110 001 through its Chairman cum Managing Director.

3. General Manager, Telecom/D, Bharat Sanchar Nigam Limited, Bharat Nagar, Bathinda, Punjab.

4. Communication Accounts Officer (Pension), Office of Controller of Communication (Accounts), Punjab Telecom Circle, Madhya Marg, Sector 27-A, Chandigarh.

5. Director Accounts (Postal), Kapurthala.

...Respondents

(By Advocate: Mr. K.K.Thakur, for respondents no.1, 4 & 5
Mr. D.R.Sharma, for respondents no.2 & 3).

ORDER

Hon'ble Mr. Uday Kumar Varma, Member (A):

Applicant Sudarshna Devi has filed the present Original Application for quashing the impugned order dated 30.5.2014 (Annexure A-6) whereby her prayer for grant of interest has been declined with a further prayer that she may be granted interest @ 18% per annum on the delayed payments.

2. Brief facts of the case are that the Shri Sadhu Ram Goyal, husband of the present applicant took voluntary retirement on 12.3.2002 after rendering 36 years 10 days qualifying service and he was issued PPO No. DOTCELL/PB/PC-899/PPO/1533/10. After the retirement of husband of the applicant, he received the arrears of salary for the period from 1.10.2000 to 12.3.2002 after his pay scale was converted from CDA to IDA during his life time. The husband of the applicant died on 10.5.2004. The applicant has stated that on account of pay revision, she was paid the arrears of salary on 30.4.2004, but was not paid the arrears of pension and other retiral benefits. The respondents vide its letter dated 12.3.2012 has revised the pension of the applicant and the applicant was paid the arrears of retiral benefits on different dates after a gap of 7 to 9 years, as detailed herein below:-

7.9.2011	Arrears of leave encashment
24.3.2012	Arrears of DCRG
11.9.2012	Arrears of family pension from 11.5.2004 to 31.8.12
17.5.2013	Difference of pension from 12.3.2002 to 10.5.2004



5.9.2013

Quarterly medical allowance

3. The applicant made a representation to respondent no.3 on 18.3.2014 for claiming interest on retiral dues and other benefits from 30.4.2004. However, the respondents have rejected the claim of the applicant for grant of interest vide letter dated 30.5.2014. Hence the present OA.

4. Pursuant to notice, the respondents have contested the claim of the applicant wherein they have stated that the claim of the applicant for grant of interest is highly belated as the husband of the applicant died on 10.5.2004 whereas the applicant submitted the death certificate of her husband on 26.6.2010 i.e. after a lapse of more than six years. They have further stated that earlier the applicant submitted an application on 15.6.2010 in the name of Darshana Devi which was not the name of late Shri Sadhu Ram Goyal. Accordingly, the applicant was informed and she again submitted her application in the name of Sudarshana Devi after a lapse of more than six years, as such, there is no inordinate delay on the part of the respondents. They have thus prayed for dismissal of the OA.

5. The applicant has not filed any rejoinder to rebut the averments made by the respondents.

6. We have heard the learned counsel for the parties and perused the material placed on record.

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7. The key issue in this matter that requires consideration is whether the delayed payment on account of various entitlements has been deliberate on the part of the respondents, or is there a reasonable justification for the delays in sanctioning the arrears of retiral entitlements? It is not disputed that the applicant's husband had taken voluntary retirement on 12.3.2002 and subsequently he died on 10.5.2004. It emerges from the record that the retiral entitlements to the husband of the applicant were settled during his lifetime. However, after his death, the wife of the applicant who was legally entitled to family pension etc. was paid the arrears in 2011-2013 much after the death of her husband i.e. May 10, 2004. It has been stated by the respondents and not disputed by the applicant that the essential document i.e. death certificate of the husband of the applicant was submitted by the applicant only on 26.6.2010. It, therefore, cannot be disputed that there was a delay of over 6 years on the part of the applicant to approach the respondents for the release of arrears of her husband's retiral entitlements. Therefore, any claim of interest on these delays can be considered only after the applicant had fulfilled the necessary formalities. One should also allow a reasonable time for processing of such cases by the concerned authorities. Generally, a period of three months time for processing of such cases is considered reasonable.

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8. In view of the above, and in view of the fact that no explanation has been offered either in the written statement of respondents or in their oral submission before us, on the justification of delay between 26.6.2010 and actual date of payments, we deem it just and proper to allow interest on the delayed payments namely leave encashment, DCRG, family pension, payment of pension and quarterly medical allowance for a period between 27.9.2010 (i.e. three months after the death certificate was submitted ~~and~~ the time the actual payments were made to the applicant. This, however, will be subject to the condition that all necessary formalities that were supposed to be done on the part of the applicant without which the cases could not have been processed, were done on or before 26.6.2010. The rate of interest is prescribed as the prevailing Public Provident Fund (PPF) Deposit rate.

9. The impugned order dated 30.5.2014 (Annexure A-6) is accordingly quashed. There will be no order to costs.

(UDAY KUMAR VARMA)
MEMBER (A).

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:- September 08, 2015.
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