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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHANDIGARH BENCH,  
CHANDIGARH

O.A.No.060/00707/2014

Date of Decision : 30.03.2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER

Varun Bansal S/o Late Sh. Raj Kumar S/o Sh. Nand Kishore Bansal,  
Resident of House No. 27, Bharat Nagar, Bathinda (PB).

..... Applicant

Versus

1. Union of India through Secretary of Human Resource Development under Government of India.
2. The Commissioner, KVS (HQRS), 18<sup>th</sup> Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Assistant Commissioner, KVS (RO), Sector 31-A, SCO-72-73, Chandigarh.


..... Respondents

Present: Applicant in person.

Sh. R.K. Sharma, counsel for the respondents

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to the respondents to pay the actual revised family pension alongwith interest on delayed payment of GPF, DLIS, Earned Leave and compensation for illegal and arbitrary harassment. 

2. Averment has been made in the OA that the father of the applicant was working as PGT (Maths) in K.V. No. 1, Bathinda Cantt and was holding CPF A/c No. LEC-2661 (later changed into GPF cum pension scheme w.e.f. 29-05-1993) and he expired on 29.5.1993. After the death of father of the applicant, family pension was paid to the mother of the applicant who was working as primary teacher in the same institution. After her death, family pension was paid to applicant's elder brother and thereafter paid to the applicant as per pension payment order No. F. 18(1672)1573/94/KV/P&I dated 08.06.1995 (Annexure A-1). The applicant sent many letters to the respondents for payment of the revised family pension to the applicant but the respondents did not pay the revised family pension of the father of the applicant as per Fifth Pay Commission w.e.f. 01.01.1996. The family pension which the applicant got is different from the actually payable family pension which the applicant is entitled to receive from the respondents with interest @ 18% p.a. The applicant was paid Rs. 3333/- (Basic Pension) per month fixed w.e.f. 1.1.1996 to 29.5.2000 as Annexure A-2 and thereafter at rate of Rs. 1950/- (Basic pension) per month fixed w.e.f. 30.5.2000 to 31.3.2004 (Annexure A-2) and thereafter @ Rs. 2925 (DR 50% merged + basic pension) plus DR per month w.e.f. 1.4.2004 to 14.8.2006 i.e. the date on which the applicant's brother attained the age of 25 years. But the pension paid to applicant was not paid as per CCS Pension Rules because as per Fifth Pay



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Commission the senior scale was Rs. 7500/- (Basic Pay) and the father of the applicant was also eligible for senior scale as he was appointed as PGT (Maths) directly in the year 1978 and worked as such till his death in accident on 29.5.1993. The revised family pension of applicant's father should have been based on basic pay scale of Rs. 7500/- per month and paid accordingly to the applicant as per rules. The family pension as revised should have been paid from 1.1.1996 to 29.5.2000 @ Rs. 3750 (50% of basic pay) plus DR. After that, it should be (2250/- Basic Pay + 1125 DP = 3375) plus DR. w.e.f. 01.04.2004 to 14.8.2006, the date of attaining the age of 25 years of applicant's elder brother and thereafter paid to applicant till date. The applicant is entitled to receive the revised family pension as mentioned above alongwith interest @ 18%.

3. The respondents paid the amount of GPF as Annexure A-3, DLIS as Annexure A-4, Earned leave as Annexure A-5 to applicant very late (after delay of 15 years) and accordingly, the applicant is entitled to receive interest @ 18% p.a. from the actual due date till the date on which the amount was actually paid to the applicant. The respondents have illegally and intentionally harassed the applicant and his family for 15 years. The applicant is also entitled to receive compensation from the respondents to the tune of Rs. 1,00,000 for illegally and arbitrarily harassing the applicant. Repeated requests were made to the respondents to make the payment of family pension of father of the

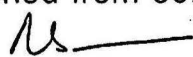


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applicant after making calculations under CCS pension rules as revised by Fifth Pay Commission w.e.f. 1.1.1996 with interest and for payment of interest @ 18% on late payment of revised family pension, GPF, DLIS, Earned Leave and but to no effect and the applicant cannot be made to suffer due to the lapses of the respondents. The cause of action arose in favour of the applicant when he was entitled to receive the family pension from 1.1.1996 under CCS (Pension) Rules as revised after Fifth Pay Commission and on 22.6.2007 when last payment of arrears of GPF as Annexure A-3 was made. Hence the present applicant is being filed within the limitation.

4. In the written statement filed on behalf of the respondents, the facts of the matter have not been disputed. It has been stated however that after the family pension being paid to Sh. Arun Bansal, elder son of late Sh. Raj Kumar Bansal, was terminated on his attaining the age of 25 years, the applicant Sh. Varun Bansal did not submit any claim for the payment of family pension for two years, but only sent a Legal Notice on 8.3.2008. He was asked to complete the pension papers which were only submitted on 15.7.2011 and the pension case was processed and pension released vide letter dated 19.9.2011.

5. It has further been stated that the final payment of GPF was done calculating interest upto the date of final payment to the nominee on 31.5.2007 and the interest for the period from 30.5.1993 to 31.5.2007 had



already been paid as per the rates specified by the Government from time to time as per Rule 11 of GPF Rules, 1960 and Rs. 1,53,287/- had been released in this regard.

6. Rejoinder to the written statement has been filed wherein a detailed statement has been annexed justifying the claim for higher pension as claimed by the applicant. It has also been stated that the applicant's father paid monthly subscription @ 60/- till his death and as per GOI (Deptt. of Pers. & Trg) OM NO. 12/2/92-Dir© dated 28.5.1992, the insurance cover amount to be paid should be Rs. 60,000 (Sixty thousand) alongwith the actual subscription amount. The respondents have paid only Rs. 29,787 in August 2007 without any reason. Hence, the respondents should be directed to pay the applicant the difference of Rs. 30213 plus actual subscription alongwith interest on both @ 18% p.a. as per Government bank rates for borrowers.

7. Arguments advanced by the applicant were heard. He referred to various documents annexed with the OA and the rejoinder that point to unreasonable delay on account of release of the death-cum-retiral benefits on account of the service rendered by the deceased employees of KVS, Sh. Raj Kumar Bansal and Smt. Kamlesh Bansal.

8. Learned counsel for the respondents requested that the OA be disposed of with direction to the respondents to consider the claim of the applicant for interest on account of belated payments made to the

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family of the deceased employee and such consideration would be completed within a short time frame.

9. I have carefully considered the matter and am of the view that the ends of justice will be met if the respondents consider the claim of the applicant for interest on delayed release of payments of the death-cum-retiral dues to the applicant and his brother in accordance with rules and law. Such consideration may be completed within a period of two months from the date of a certified copy of this order and a detailed and reasoned order issued in this regard.

10. OA stands disposed of accordingly.

  
(RAJWANT SANDHU)  
ADMINISTRATIVE MEMBER.

Place: Chandigarh  
Dated: 30.03.2014

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