

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA 3869/2013
MA 2104/2013
MA 2105/2013

this the 3st day of December, 2015

Hon'ble Mr. V. Ajay Kumar, Member (J)

1. Kumari Vanu alias Jhanak Nagar (Minor)
Daughter of late Meena Nagar
(through :- Father Shri Tarunesh Ram Nagar (Guardian)
R/o :- 631, Tulsi Chabutra, Mathura (UP)
Presently R/o : 6/64, Refinery Nagar, Mathura (UP)
2. Tarunesh Ram Nagar
Husband of late Meena Dagar
R/o :- 631, Tulsi Chabutra, Mathura (UP)
Presently R/o : 6/64, Refinery Nagar, Mathura (UP) Applicants

(By Advocate:Shri V.K.Sharma)

VERSUS

1. The Commissioner
Kendriya Vidyalay Sangathan, 18,
Institutional Area
Shaheed Jeet Singh Marg,
New Delhi – 110 016
2. The Finance Officer
Kendriya Vidyalay Sangathan, 18,
Institutional Area
Shaheed Jeet Singh Marg,
New Delhi – 110 016
3. The Deputy Commissioner
Kendriya Vidyalaya Sangathan,
Regional Office
Sector "J", Aliganj,
Lucknow- 226024 (U.P.)
4. The Deputy Commissioner
Kendriya Vidyalaya Sangathan ,
Regional Office
Agra (UP)

5. The Principal
Kendriya Vidyalaya,
BAAD (Distt. Mahura)

.... Respondents.

(By Advocate:Shri K.M.Singh)

ORDER (ORAL)

Heard both sides.

2. MA No.2104/2013, filed for joining together, is allowed. MA No.2105/2013, seeking condonation of delay in filing of the present OA, for the reasons stated therein, is also allowed

3. The applicants No.1 and 2 are the Daughter and Husband respectively of late Mrs. Meena Nagar, who died in harness while working as T.G.T. (English) on 21.10.1996. They have filed the present OA seeking the following reliefs :-

“(a) That the lump sum amount of Insurance Cover under Group Insurance Scheme,1980, may kindly be ordered to paid to the applicants alongwith penal interest of 12% compondable annually for the period of delay from 01.05.1997 till date of its actual payment.

(b) That penal interest @ 12% compondable annually may be ordered to be paid to the applicants for the period of delay from 01.05.1997 to 15.03.2013, on the arrears paid by respondents on the under mentioned dues :-

(i) Penal interest at the said rate be ordered to be paid on all the amount of arrears of Family Pension for the period 22.10.1996 to 28.02.2013 (paid on 15.03.2013).

(ii) Penal interest @ 12% compondable per annum on amount of Death Gratuity for the period 01.05.1997 to 15.03.2013 may be paid as per the cited pension rules.

(iii) Penal interest @ 12% compondable be paid for the period of delay from 01.05.1997 to 15.03.2013, in respect of the under-mentioned other payments :-

- | | |
|----------------------------|---------------|
| (a) Encashment of Leave of | - Rs. 3,148/- |
| (b) GPF Balance | - Rs. 2,351/- |
| (c) Adhoc Bonus | - Rs. 3,427/- |

- (d) Arrears from January,1996 to Sept.,1996–Rs. 9,533/-
- (e) Salary for October, 1996 - Rs. 3, 998/-
- (f) Employees Welfare Scheme - Rs.30,517/-
- (iv) Allow any other and further relief which this Hon'ble Tribunal, may deem fit and proper in the circumstances of this case in order to safe-guard the interests of justice; and
- (v) Allow costs of this Application."

4. The applicants No.1 and 2, admittedly approached the respondents for payment of death benefits and, thereafter, filed the case No.188/2000 in Consumer Protection Forum, Mathura. However, the same was withdrawn, after ten years on 11.08.2011, and thereafter the applicants filed OA No.4516/2011 before this Tribunal and this Tribunal by Order dated 07.02.2012, disposed of the said OA, as under :-

"4. In the circumstances, particularly in view of the aforementioned letter dated 13.09.2000, the present OA is disposed of with the following directions:-

- (i) The Principal Kendriya Vidyalaya Baad Mathura will ensure that the necessary papers for releasing of terminal benefits payable to applicant No.1 on account of death of late Smt. Meena Nagar, are prepared within a period of 15 days from the date of receipt of a copy of this order. In order to discharge the formality as guardian of applicant no.1, applicant No.2 shall remain present in the office of Principal Kendriya Vidyalaya Baad Mathura, as and when required for the purpose.
- (ii) All terminal benefit of late Smt. Meena Nagar payable to Applicant No.1 shall be released within a period of 45 days from the date of submission of the pension papers required to be submitted in terms of aforementioned letter dated 13.09.2000.
- (iii) Respondents would ensure that interest of applicant No.1 is duly safeguarded in accordance with rules. It would be open to respondents to follow the prescribed rules and procedure to satisfy themselves about the status of applicant No.1, as daughter of late Smt. Meena Nagar.

5. Before parting, I appreciate attitude of Shri G.D.Chawla, learned counsel for the applicant and Shri U.N.Singh, learned counsel for

respondents in assisting the court for disposal of the present Original Application.

6. OA stands disposed of. No costs.”

5. The CP No.840/2012 I n OA No.4516/2011 was closed on 21.03.2013, after recording that the respondents have paid the amounts payable to the applicants, as per the status report filed by the respondents on 21.03.2013.

6. The aforesaid facts clearly reveals that though the 1st applicant was minor at the time of the death of late Mrs. Meena Nagar, but the 2nd applicant, who is the husband of the deceased, instead of approaching the respondents, initially approached the Consumer Protection Forum. Later, in view of the orders of this Tribunal, the respondents paid all the death benefits and have filed a status report stating that the death benefits have been paid in the month of February/March, 2013 to the applicants.

7. In the circumstances, the delay occurred in payment of death benefits of late Mrs. Meena Nagar is the own fault of the applicants themselves. Hence, they are not entitled for any interest for the amounts paid during February/March, 2013. However, with regard to payment of the Insurance amount, under the Group Insurance Scheme, 1980 (Compulsory Scheme), since there is no specific answer forthcoming from the reply filed by the respondents, we direct the respondents to consider the said claim, in accordance with law, and, if, applicants are entitled for the same, the respondents shall pay the same to them within a period of 90 days from the date of receipt of a copy of this order along with 12% simple interest w.e.f. 07.02.2012, i.e. the date when the earlier OA was disposed of by this Tribunal.

8. Accordingly, the OA is disposed of, in terms of the aforesaid directions.

No costs.

(V. AJAY KUMAR)
Member (J)

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