

Central Administrative Tribunal
Principal Bench, New Delhi
OA No. 2194/2016
New Delhi this the 25th September, 2018

Hon'ble Sh. Pradeep Kumar, Member (A)

Sh. Madhav Tiwari, aged 30 years
S/o late Sh. Bharat Tiwari,
(ex WSI, GB Pant Institute of technology, Okhla, N.D)
R/o Shri Kailaseshwar Mahadev Mandir,
Sant Nagar, East of Kailash ... Applicant

(By Advocate : Sh. Keshav Tiwari)

Versus

- (1) Ministry of Finance, Govt. of India,
Department of Expenditure,
Through Its Secretary
Room No. 129 A, North Block,
New Delhi – 110001.
 - (2) Ministry of Finance, Govt. of India,
Department of expenditure
Central Pension accounting office
Trikoooot – II, Bhikaji Cama Place,
New Delhi – 110066.
Through its chief controller (Pensions).
 - (3) Pay & Accounts Office No23
Sri Niwas Puri, DTC Depot,
Govt. of NCT of Delhi
Through its Pay & Accounts Officer
 - (4) G.B Pant Institute of technology
Okhla Indl. Estate
New Delhi – 110020
Through its Principal ...Respondents
- (By Advocate : Sh. B L Wanchoo_R-1 & 2i)
Ms. Purnima Maheshwari with Sh. D K Singh –R-3
& 4)

ORDER (ORAL)

The applicant brought out that one Sh. Bharat Tiwari had died on 27.02.2006 while he was in service of respondents. Subsequent to

this unfortunate demise, the gratuity and the pension payment etc. were made to the widow of the deceased employee, namely, Smt. Laxmi Tiwari. Subsequently, as a result of implementation of 6th Pay Commission recommendation, for which orders came some time in 2008, the gratuity payment for the deceased employee was enhanced. As a result thereof, an additional amount of Rs. 3,063,70/- became due, for which the orders for payment were issued on 13.08.2012. However, this amount was actually paid on 29.01.2014 due to various delays on the part of respondents. The present applicant is the son of late Sh. Bharat Tiwari and Smt. Laxmi Tiwari. In the meanwhile the widow Smt. Laxmi Tiwari also expired on 13.09.2013. The instant applicant has pleaded for payment of certain interest for this additional gratuity for the duration from 13.08.2012 up to 29.01.2014. This is the limited plea in the instant OA.

2. The respondents brought out that the additional amount of gratuity Rs.3,06,370/-, was sanctioned by them on 13.08.2012 and the paying bank was also advised on 07.09.2012 to release the payment. Certain delays however took place for which they cannot be held responsible.

3. It was brought out by respondent that unfortunately the widow of the deceased employee Smt. Laxmi Tiwari to whom additional amount of gratuity was to be paid, also expired on 13.09.2013. Therefore, some delays may have occurred in the bank on account of this as to whom to pay. Moreover, this letter dated 13.09.2013 was

copied to the widow also who was alive at that time. As such they also ought to have pursued with the paying bank.

4. However, the applicant brought out a reply to the RTI query issued by the respondents on 11.09.2013, wherein the following was advised by the respondents to the applicant :-

"In this connection, it is stated that inadvertently the amount of additional death/retirement gratuity was not authorized by this office in the authority dated 7.9.12 (copy enclosed), hence, the bank nor made the payment to you."

A copy of this RTI reply was also marked to Pay and Accounts Officer. It is also seen that following endorsements were made to Pay & Accounts Officer in the RTI reply:

"Please refer to your authority dated 13.8.12 in respect of the addressee of this letter. Inadvertently amount of additional death/retirement gratuity could not be authorized by this office in favour of the pensioner. You are, therefore, requested to send the authority in this regard to enable this office to authorize the said amount in favour of Smt. Laxmi Tiwari."

The applicant pleaded that from this RTI reply, it becomes clear that the instructions issued by the respondents vide letter dated 07th September, 2012 only indicated payment instructions for enhanced pension only and these were silent about payment of additional gratuity to the deceased or their family. Subsequently, it was only on 17.10.2013, that instructions were issued to the Bank for payment of additional gratuity that an amount of Death-Cum-Retirement gratuity amounting to Rs. 3,06,310/- is also payable. The actual payment finally took place only on 29.01.2014.

5. Matter has been heard at length. It thus becomes clear that even though additional gratuity amount was sanctioned on

13.08.2012 but no instructions were in fact issued to the Bank or Pay & Account Office until 17.10.2013 and it has caused certain delay from the date of sanction i.e. 13 August, 2012 to the date of actual payment i.e. on 29.01.2014. It is another matter that Smt. Laxmi Tiwari unfortunately also expired by that time.

6. It is felt that the delays from 13.08.2012 to 17.10.2013 are attributable to respondents. Therefore, for this delay certain compensation needs to be given to the applicant.

7. However, the delays for 17.10.2013 to 29.01.2014 are attributable to applicant, even though there may have been certain mitigating circumstances for the applicant as his mother had expired on 13.09.2013. Therefore, the respondents cannot be held responsible for this part of delay.

8. In the event, the respondents shall pay interest at GPF rate on this amount of Rs. 3,06,370/- for the time period between 13th August, 2012 up to 17th October, 2013 when they actually issued instructions to the Bank to make payment. This interest payment should be released to the applicant within a time period of eight weeks from receipt of certified copy of these orders. The O.A is disposed off with these directions. No order as to costs.

Order **dasti**.

(Pradeep Kumar)
Member (A)

