

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 2665/2017

New Delhi this the 4th October, 2018

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

Kashmira Singh,
W/o Late Sh. Dhruv Kumar Singh
R/o H.No. 572, Gali No.4, Sai Nagar,
Meetha Pur Extn., Badarpur,
New Delhi-110044

... Applicant

(By Advocate : Sh. M K Bhadwaj with Ms. Priyanka Bhardwaj)

Versus

1. Union of India,
Through its Secretary,
Ministry of Urban Development & Poverty
Alleviation
Nirman Bhawan, New Delhi.
2. The Director General,
Central Public Works Department,
Ministry of Urban Development & Poverty
Alleviation
Nirman Bharwan, New Delhi
3. The Superintending Engineer,
Delhi Central Circle-IX,
Central Public Works Department,
Ministry of Urban Development & Poverty
Alleviation
Room No. 127, 1st Floor, A-Wingh,
Pushpa Bhawan, New Delhi. ... Respondents

(By Advocate : Rajiv R Raj)

ORDER (ORAL)

The instant applicant is the widow of an employee who was appointed to service under respondent CPWD in the year 1981.

While he was in service, he unfortunately expired on 22.10.2016 . At that point of time, certain disciplinary proceedings on account of unauthorised absence, were going on against the deceased employee. However, the applicant brought out from a letter dated 21.06.2012 issued by the respondents, that on account of sudden death, the disciplinary action against the deceased employee has been decided to be dropped by the competent authority. The retiral dues have however not been paid as yet. This is the grievance in this O.A.

2. It is seen from the counter filed by the respondents that an amount of Rs. 4,86,343/- (in respect of final payment of GPF) and Rs. 60,000/- (in respect of Deposit Linked Insurance (DLI) Scheme) has since been paid to the applicant's widow only after the institution of these proceedings in the Tribunal.

3. However, in respect of other retiral dues i.e. Gratuity, Family pension, leave encashment etc. it has been advised in the counter that it will be "processed only after completion of service verification". The respondents have also advised in their short reply which was submitted on 9.4.18 for interim relief that "the case of provisional pension to the dependent of deceased employee has been sent to PAO for an appeal."

Learned counsel for the respondents also brought that there is difficulty in verification of the service record of the deceased

employee as he had been unauthorisedly absent for frequent intervals and he had been posted at far away places.

4. It is seen from the detailed counter of the respondents submitted on 12.9.18 that averments have been made to the following effect :-

“15. It is submitted that the family pension case of Applicant's husband (Sh. Dhruv Kumar Singh, JE) has been sent to Pay & Accounts office (Food Zone) vide this office letter No. 15 (PF)/E-I/P-Divn./2016-18/108 dated 17/01/2017. The PAO (FZ) returned the case with some observations on service verification which were not done earlier by the P.W.D. authorities annexed herewith as **Annexure A/6.**”

5. The matter has been heard at length. This is a case of family pension to a widow whose husband has died while he was in service. The death occurred on 22.10.2016 i.e. about two years earlier. The service verification case was under process as of 17.01.2017 as per the averment of the respondents themselves. Delay in this verification is reported to have happened due to unauthorised absence on the part of the deceased employee. However, despite this, the service verification ought not to have taken so much time, and as such, this excessive delay cannot be accepted.

6. The respondents are hereby directed to clear the case of family pension, leave encashment and gratuity and all other retiral dues to the widow of the deceased employee within a period of eight weeks of receipt of these orders. In addition, the respondents

shall also pay interest on all these dues at GPF rate of interest, from the date of death of the employee till it is paid.

7. The Tribunal hopes that this order will be complied with within the time granted. In case the same is not complied with, liberty is granted to the applicant to move contempt petition against respondent nos. 2 and 3. No order as to costs.

Order **dasti**.

(Pradeep Kumar)
Member (A)

Sarita