

**CENTRAL ADMINISTRATIVE TRIBUNAL
AMHEDABAD BENCH**

**Original Application No. 61/2017
Ahmedabad, this the 11th April, 2019**

CORAM :

Hon'ble Shri M.C. Verma, Member (J)

- 1 Shri Vijaykumar S Baria,
S/o. Shri Somabhai Baria
Aged 25 years,
R/O: Rajput Faliya, Paragam,
PO. Bhiloda, Dabhol,
Dist. Vadodara – 391110. ... Applicant

By Advocate Ms S S Chaturvedi

V/s

- 1 Union of India,
Notice to be served through
General Manager,
Western Railway,
Churchgate, Mumbai – 400 020.
- 2 Divisional Railway Manager,
Western Railway, Pratapnagar,
Vadodara – 390004.
- 3 State Bank of India,
Aambli Faliya, Dabhoi, Dist. Vadodara.
- 4 Shri Hasmukh Bhailal Baria,
Aged 42 years,
R/O: Chunilal Park Society,
Vaghanatha, Temple PO, Dabhoi,
Dist. Vadodara – 390160. ... Respondents

By Advocate Nisha Parikh for Respondents 1 & 2.

O R D E R (ORAL)

Per Shri M C Verma, Member (Judicial)

- 1 Instant OA has been filed by applicant Shri Vijaykumar S Baria seeking direction to respondent authorities to release his due pension from 2008 till the attaining age of 25 years with 12% interest.

2 The brief facts of the case is that father of the applicant, namely Shri Somabhai Baria died on duty on 20.04.1995, the applicant was minor son at that time and respondent no.4 was his legal guardian. The respondent authority granted pension to applicant - dependent son vide PPO No.41218/233289 (Annexure A/3). but stopped pension of applicant from the year 2008 i.e. when applicant attained the age of 18 years. That applicant made several oral requests for continuation of pension but no heed was paid. That in his representation dated 17.08.2015 he enclosed the necessary documents but the respondents have replied vide letter dated 14.12.2015 (Annexure A/4) to approach the pension Sanctioning authority [DRM(E), BRC.], that applicant was under hope that his grievance would be redressed by authority and therefore kept waiting and ultimately when nothing happened he preferred instant OA with application for condonation of delay.

2 Respondents contested the matter and in their reply, filed on 26.07.2017, pleaded that after completion of 18 years of age -applicant had to apply for pension to sanctioning authority and as per Railway Family Pension Rules. That it is the duty of son or daughter or the guardian of minor to furnish a certificate to the Treasury, as the case may be once in a year that he or she has not started earning his or her livelihood That after receipt of the certificate fresh proposal in favour of applicant for family pension has been prepared and sent to accounts for pension arrears from 16.05.2008 to 16.05.2015.

3 Needless to say during pendency of OA, arrears of pension up to 16.05.2015 was released by the respondents and hence the matter be disposed of as closed. Learned counsel Ms S S Chaturvedi who is the counsel for applicant, on 11.04.2019, when the matter was taken up for final hearing referring the affidavit and copy of Bank Pass Book (Annexure A/11) submitted that Respondent Authority has deposited the arrears of pension amounting to Rs.3,37,699/- in the account of applicant towards arrears of pension of period from 2008 to 2015 but

interest has not been paid. She requested for a direction to respondents to pay interest @ 9% from 2008.

4 Learned counsel for respondents 1 & 2 Ms Nisha Parikh submitted that respondents, immediately after coming to know that applicant is not getting pension advised him to approach appropriate Forum by letter dated 14.12.2015 (Annexure A/4), that applicant did not supply the documents required. Learned counsel for applicant also has placed on record letter dated 19.03.2015 (Annexure A/5) of State Bank of India to FA & CAO's office, Western Railway Churchgate intimating that the pensioner (applicant) is a minor and has get pension till November 2010 but due to non submission of Life Certificate, pension was not credited. She further submitted that for settlement of pension after attaining majority, copy of school leaving certificate had to be supplied but the same was not supplied. That requisite documents were supplied by applicant only on 10.08.2018 and immediately thereafter applicant's case was processed and amount of pension was released. She contended that there is no fault on the part of respondent authority and pension has already been granted. In such circumstances it would not be appropriate to levy interest.

5 Considered the submissions. It is not disputed that applicant was entitled to pension since 2008. Arrear of pension has been deposited into applicant's account on 10.10.2018. The only question for consideration is whether the applicant is entitled to any interest. It is the case of the respondents that after attaining majority, applicant did not submit certain documents but representation, dated 17.08.2015 of applicant reveal that he enclosing his father's death certificate, his School leaving certificate having his date of Birth, Election Card, Aadhar Card, Calculation Sheet and In response there to respondents have replied, vide letter dated 14.12.2015 that he should approach to Pension Sanctioning Authority. There is nothing in said letter dated 14.12.2015 of respondent or on record to indicate that there was any

deficiency of document or applicant had to supply further documents to respondent authority. Needless to say that respondents counsel during hearing was directed to show any documents/material regarding demand of documents from applicant and it is unfortunate no any such material could be illustrated.

7 Having taken note of entirety, ends of justice would be met if a direction is given to respondents to pay interest to the applicant but the question would be what shall be the rate of interest and from which date the interest should be paid? As per submissions, the pension was stopped from 2008. It is though there applicant had been making oral request to the respondent department since his Pension was stopped but written request was made only on 17.08.2015 and document needed were also supplied with this written request dated 17.08.2015 so it would be appropriate if interest @ 8% be directed to be paid from 17.08.2015 till the date of payment. Ordered accordingly. Respondents thus are directed to calculate and make payment of amount of said interest within a period of two months from date of receipt of copy of this order.

9 OA is disposed of with above directions. There shall be no orders as to costs.

(M C Verma)
Member(J)

abp

