

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

**OA No. 1662/2016**

This the 20<sup>th</sup> day of August, 2019

**Hon'ble Mr. S.N. Terdal, Member(J)**  
**Hon'ble Mr.Pradeep Kumar, Member (A)**

Smt. Tara Devi  
Designation : Nil  
Deptt. Archeological Survey of India  
Gropu-Nil, age 60 years  
W/o Late Sh. Baleshwar Prasad Verma  
R/o K-II/1118, Sangam Vihar  
Near Amrita Public School, New Delhi – 110080

... Applicant

(By Advocate : Mr. S.C. Sagar)

**Versus**

1. Union of India  
Through Secretary  
Ministry of Culture  
Archeological Survey of India  
Janpath, New Delhi – 110001.
2. Director General  
Archeological Survey of India  
Janpath, New Delhi – 110001.
3. Dy. Supdt. Horticulturist  
Archeological Survey of India  
Horticulture Division-II  
Safdarjung Tom, New Delhi.

...Respondents

(By Advocate : Mr. Gyanendra Singh)

**ORDER (ORAL)**

**Mr. S.N. Terdal, Member (J)**

Heard learned counsel for both the parties.

2. Perused the facts and the documents. The prayers of the applicant in the OA are as under :

- i) Direct the respondents to release the balance ex-gratia lump-sum compensation Rs. 5 Lacs alongwith interest @18% p.a. from the date of death of Applicant's husband i.e. 6.12.2005 till realization of amount.
- ii) Direct the Respondents to pay the interest @18% p.a. for about 10 years w.e.f. 6.12.2005 till 31.1.2015 on the amount of Rs. 5 Lacs paid towards ex-gratia lump-sum compensation to the Applicant.
- iii) Pass such other order or further order/orders as this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case in the interest of justice in favour of the Applicant."

3. The relevant facts of the case are that while performing the official functions, the applicant's husband, Late Sh. Baleshwar Prasad Verma, met with an accident on 05.12.2005 and got badly injured. He died on 06.12.2005. The wife of the deceased immediately filed an application for grant of ex-gratia lump-sum compensation on 15.12.2005 to the Department. Initially by the pay order dated 31.03.2014, the ex-gratia compensation of Rs. 10 lakh was sanctioned. But, however, ultimately on 19.01.2015 only Rs. 5.0 lakh was paid to her.

4. Learned counsel for the respondents brought out that the sanction of Rs.10 lakh, which was done initially, was erroneous. When this came to light, the sanction was corrected to Rs.5 lakh and it has since been paid. Accordingly, the pleas of applicant to pay Rs.5 lakh more cannot be agreed to.

5. The respondents drew attention to an OM dated 11.09.1998 issued by Department of Pension and Pensioners Welfare. Para 5

(a) of this circular indicated that “death occurring due to accident in the course of performance of duties”, an amount of Rs.5 lakh is to be paid. Since the death occurred on 06.12.2005, this circular comes into force. The applicant is seeking payment as per OM dated 02.09.2008 which is not applicable in the instant case as the same takes effect for those who died on or after 01.01.2006.

6. Learned counsel for applicant vehemently and strenuously contended that since the case of applicant was not decided in time and it got decided after OM dated 02.09.2008 was issued, the applicant should have been paid the ex-gratia amount of Rs. 10 lakh instead of Rs. 5.0 lakh.

7. Matter has been heard at length. Applicant’s case was represented by Mr. S.C.Sagar, learned counsel and respondents’ case was represented by Mr. Gyanendra Singh, learned counsel.

8. From the perusal of OM dated 02.09.2008, it is crystal clear that ex-gratia compensation of Rs. 10 lakh is payable only to those who died on or after 01.01.2006. The relevant portion of OM dated 02.09.2008 is extracted below :

“3.1 Save as otherwise mentioned in these orders, the revised provisions as per these orders shall apply to Government servants who retire/die in harness on or after 1.1.2006. Separate orders have been issued in respect of employees who retired/died before 1.1.2006.”

9. In view of the clear provisions of the OM dated 02.09.2008, we are of the view that applicant is not entitled to ex-gratia payment of

Rs. 10 lakh. But, however, since there is more than 9 years delay in payment of ex-gratia amount of Rs. 5.0 lakh, respondents are directed to pay interest on delayed payment on said amount @8% per annum for the period from 15.12.2005 to 19.01.2015 within two months from the date of receipt of certified copy of this order.

10. Accordingly, OA is disposed of. No order as to costs.

**(Pradeep Kumar)**  
**Member (A)**

**(S.N. Terdal)**  
**Member (J)**

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