

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 2119/2003

Monday, this the 17th day of November, 2003

HON'BLE SHRI SARWESAWAR JHA, MEMBER (A)

Smt. Raj Chaudhary,
W/o Late Sh. S.C. Chaudhary,
Ex-Store Keeper,
Ministry of Commerce & Industry,
Udyog Bhawan, New Delhi-110 011
R/O 117-L/248, Navin Nagar,
Kanpur (U.P.)

.....Applicant

(By Advocate: Mrs. Amrit Matharu)

VERSUS

1. Union of India,
through its Secretary,
Ministry of Commerce & Industry,
Udyog Bhawan, New Delhi

2. Sh. N.P. Dwivedi,
Deputy Secretary,
Govt. of India,
Ministry of Commerce & Industry,
Udyog Bhawan, New Delhi - 11

.....Respondents

(By Advocate: Shri K.C.D. Gangwani)

O R D E R (ORAL)

Heard.

2. At the very outset, the learned counsel for the respondents has submitted an additional reply on behalf of the respondents in which they have enclosed a copy of the letter issued by the respondents (Annexure R-1) whereby they have allowed family pension to the applicant w.e.f. 24.12.1977, as prayed for by her in the Original Application. It is thus observed that the major relief which the applicant has prayed for has been granted by the respondents vide their aforesaid letter dated 8.10.2003. The learned counsel for the respondents has also submitted that the case has to be seen in the context of the fact that the deceased husband of the applicant at the relevant time had not opted for family



pension, and according to him, that led to considerable time having been taken in deciding the matter of granting family pension to the applicant.

3. The learned counsel for the applicant has, however, submitted that the prayers of the applicant also include payment of interest on delayed payment of family pension. In this connection, she has drawn my attention to the decisions of the Hon'ble High Court of Allahabad in **Union of India & Anr. v. S.B. Agnihotri & Anr.** (C. Misc. Writ Petition No. 4020/1987 dated February 19, 1990) in which, among other things, it has been held that the award of interest by the Labour Court is quite equitable and reasonable. The learned counsel for the respondents at this stage has submitted that the orders of the Hon'ble High Court of Allahabad as referred to by the learned counsel for the applicant is distinguishable on facts and this aspect should be kept in view while considering the matter.

4. A question has also arisen that the fact that the husband of the applicant died in the year 1977 was not brought to the notice of the respondents on time and, therefore, it would not be appropriate to hold the respondents responsible for the delay in granting the family pension to the applicant. However, a view has been expressed by the learned counsel for the applicant that the payment of pension was stopped to the applicant's husband even without having a definite knowledge regarding the death of the husband of the applicant and, therefore, it is not correct to say that the fact that the death of the husband of the applicant was not conveyed to the respondents on time and that led to the delay in the matter of

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taking a decision in granting the family pension is not a correct thing to say on the part of the respondents.

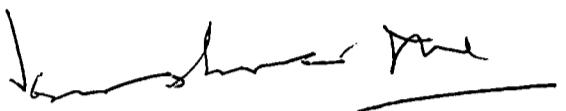
5. I have considered the totality of the submissions made by both the sides and have taken note of the fact that the major relief has already been granted to the applicant by the grant of family pension w.e.f. 24.12.1977. That being the case, the question of payment of interest on delayed payment of family pension can be dealt with by the respondents with reference to the relevant provisions on the subject. In this connection, they may also refer to the relevant decisions of the Hon'ble Supreme Court/High Court as referred to by the applicant in the OA.

6. Under these circumstances and also keeping in view the above discussion, I am inclined to dispose of this OA as having become infructuous with the respondents having already met the major prayer of the applicant in regard to payment of family pension. The applicant is, however, granted liberty to take up the matter regarding payment of interest on delayed payment of family pension with the respondents. The respondents are directed to consider the matter with reference to the extant rules/provisions on the subject and settle the issue by issuing a reasoned and speaking order within a period of three months from the date of receipt of the representation from the applicant. It is made clear that the matter would be considered by the respondents after the applicant submits a representation in this regard and the same, as already directed, will be considered and disposed of by the

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respondents in the manner as mentioned above within the period as specified above.

7. With this, MA No.2393/2d003 seeking impleadment of Accountant General, Punjab, as a party has also been considered and disposed^{of} as not allowed.



(SARWESHWAR JHA)
MEMBER (A)

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