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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8360/2015**

Date of decision : 1st September, 2015

UOI AND ORS.

..... Petitioners

Through : Mr. J. K. Singh, Standing Counsel for
Railway.

versus

SANTOSH ARORA

..... Respondent

Through :

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

CM APPL. No. 17743/2015 (Exemption)

1. Exemption allowed, subject to all just exceptions.

Application stands disposed of.

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2. Challenge in this writ petition is to the order dated 29.01.2015 passed by the Tribunal.

3. Respondent is a widow of one Shri Sohan Lal Arora, who was working as Inspector of Works (IOW) Grade-III with the Northern Railway, Headquarters Office, New Delhi. Shri Sohan Lal Arora was sent on deputation to RITES and on his absorption in the said office on 20.12.1976, he was superannuated from RITES on 30.09.1995 and at that time, he was drawing pension from 20.12.1976 for the services rendered by him with Northern Railway in terms of the pension Payment Order (PPO) issued to

him. Shri Sohan Lal Arora died on 02.07.2012. Upon the death of Shri Sohan Lal Arora, his wife approached the State Bank of Bikaner and Jaipur from which bank her husband was drawing pension, seeking family pension. She was informed by the bank vide letter dated 31.08.2012 that there was no authority for payment of family pension in PPO issued to her husband. The widow thereafter by a letter dated 14.09.2012 requested Senior DAO, Northern Railway, New Delhi to include her name in the PPO for the purpose of family pension. She enclosed copy of joint photograph with her husband, copy of passbook of bank account in her joint name. The respondent did not respond to her request which forced her again to write a letter dated 10.10.2012 enclosing further documents including copy of the Ration Card where her name was shown as the wife of Shri Sohan Lal Arora, copy of Voter's ID and copy of service record wherein it has been stated that Shri Sohan Lal Arora had opted on 13.12.1968 for liberalised Pension Rules including family pension scheme for Railway Employees 1964 in terms of Railway Board's letter dated 02.01.1964 and the pension exercised by him in service book. She also produced photocopy of will executed by her husband wherein he bequeathed the immovable property to his wife. She also produced a letter written by her husband on 09.01.1997 to the Divisional Personnel Officer, Northern Railway, New Delhi pointing out that in his PPO name of his wife was not shown for the purpose of family pension. He has requested the Divisional Personnel Officer to include the name of her wife for the purpose

of family pension.

4. Since, the petitioner did not favourably respond to the letters addressed by the widow, she was forced to approach the Central Administrative Tribunal. The OA filed by the Widow was allowed. The petitioner herein was also directed to release the family pension with interest @ 9%.
5. The petitioner herein is primarily aggrieved by the order by which interest has been granted to the respondent herein. We may notice that after the demise of her husband, the respondent approached the petitioner by addressing two communications with supporting documents with a request that her name be included in the PPO and family pension be released to her. We find that the widow had enclosed large number of documents to show that she was the legally wedded wife of the deceased, including copy of her passbook showing joint account, ration card, election card and copy of service record, but the petitioner herein showed scant regard to the plight of the widow of one of their former employees. It is only when the widow filed an OA that the order for release of family pension was made. We may notice that the delay in release of pension was on account of the insensitive attitude and inaction on the part of the petitioner and for no fault of the respondent. We may notice that despite the order dated 29.01.2015 of the Central Administrative Tribunal, till date the pension has not been released till date. In the case of ***Y.K. Singla v. Punjab National Bank***, reported at (2013) 3 SCC 472, it has been held that in case the delay is on account of the fault of the employee, no interest would

be payable but if the delay is on account of the lapse or inaction on the part of the employer, the interest is liable to be paid. Accordingly, we find no reason to interfere in the order of the Central Administrative Tribunal.

6. Resultantly, the petition is without any merit. Same is dismissed. The petitioners shall release the family pension to the respondent forthwith as the order of the Tribunal relates back to the month of January, 2015.

CM APPL. No. 17742/2015 (Stay)

8. In view of the order passed in the Writ Petition, the application is rendered infructuous.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 01, 2015
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