

\$~15

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 31.10.2022

+ W.P.(C) 10087/2019 & CM APPL. 41716/2019

UNION OF INDIA & ORS.

..... Petitioners

versus

PREMWATI

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Subhash Tanwar, CGSC with Mr. Sandeep M., Advocate

For the Respondents: Mr. A.K. Trivedi, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 29.11.2018 whereby the Original Application filed by the Respondents has been allowed and Petitioner has been directed to pay interest on the ex-gratia compensation amount from the time when the same became due and payable in terms of order dated 11.09.1998 till the date of payment of the ex-gratia amount.

2. The husband of the Respondent was an employee of the Petitioner/Railways. While performing his bonafide duties, on 25.10.1997, he met with an accident and expired leaving behind his widow and children. No ex-gratia compensation was paid to the family of the deceased. Respondent filed an Original Application before the Tribunal

being O.A. No.4314/2016, which was disposed of by the Tribunal by order dated 18.01.2017 directing the Petitioner to consider the request of the Respondent for payment of ex-gratia compensation and to pass appropriate reasoned speaking order within 90 days.

3. Pursuant to the directions issued by the Tribunal, Petitioner made ex-gratia payment of Rs.5 Lakhs to the Respondent vide cheque dated 21.04.2017. Cheque was handed over along with letter dated 26.05.2017.

4. Since the husband of the Respondent had expired on 25.10.1997 and the payment was made on 26.05.2017, Respondent requested for payment of interest on the said ex-gratia payment. However, the request of the Respondent was not acceded to and thus the subject Original Application was filed by the Petitioner.

5. By order dated 29.11.2018, Tribunal has directed the Petitioners to pay interest on the ex-gratia compensation amount from 11.09.1998 (i.e. the date when the provision for payment of ex-gratia compensation came into force) till the payment of the actual ex-gratia amount at the applicable rate of interest of GPF.

6. Attention is drawn by learned counsel for the Respondents to circular of the Railway Board dated 10.06.2008, which refers to the earlier circulars of the Railway Board, *inter alia*, stipulating that there should be no delay in payment of ex-gratia compensation in terms of the orders of the Board and cases should be finalized within a period of three months.

7. Noticing the said circular as well as orders of Co-ordinate Benches, the Tribunal has allowed the subject Original Application.

8. As noticed hereinabove, there was a delay of nearly 20 years in

payment of the ex-gratia amount. The whole purpose of ex-gratia payment is to alleviate the suffering of the family of the deceased, who has expired while performing his duties.

9. In the instant case, husband of the Respondent had expired on account of an accident while performing his duties in the year 1997. Not only was the ex-gratia payment not made in accordance with the stipulation of the various directions issued by the Board, Respondent had to even approach the Tribunal for payment of ex-gratia amount. Though the ex-gratia amount has been paid, however, no compensation has been paid for delay of nearly 20 years in payment of the ex-gratia amount.

10. We find that the Tribunal has awarded interest at the rate as applicable for GPF which, in our view, is a reasonable approach of the Tribunal.

11. In view of the above, we find no infirmity in the order of the Tribunal or any ground to interfere with the same. Accordingly, we find no merit in the petition.

12. The Petition is accordingly dismissed. Petitioner shall pay the interest to the Respondent, within a period of four weeks from today.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

OCTOBER 31, 2022/yg