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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No.161 OF 2004

IN

O.A. No.2107 OF 2002

New Delhi, this the 29th day of July, 2004

HON'BLE SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Shri Mithlesh Kumar
S/o Late Chhammak Lal Jha
Retd. Sorting Asstt. RMS
Dholi Pyau, Mathura (U.P).

....Applicant

(By Advocate : Shri D.P. Sharma)

Versus

1. Shri Vijay Bhushan
Secretary,
Ministry of Communication and IT,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110 001.

2. Shri Ashutosh Tripathi
Postmaster - General
Agra Region - Agra (U.P.)

.....Respondents

(By Advocate : Shri S.M. Arif)

ORDER (ORAL)

SHRI V.K. MAJOTRA, VICE CHAIRMAN (A):

Heard.

2. OA 2107/2002 was disposed of vide order dated 7.5.2003 with the following directions to the respondents:-

"5. In the result, having regard to the reasons recorded above, the OA is allowed. Respondents are directed to pay a simple interest of 9% p.a. to applicant on delayed payment on his commuted value of pension within a period of three months from the date of receipt of a copy of this order. No costs."

3. Thereafter respondents had approached this Court through MAs No.2235 and 2236 of 2003 seeking


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clarification of the order so that they are able to recover excess amount paid to the applicant and seeking condonation of delay in filing MA 2235/2003 respectively. MA 2235/2003 was dismissed while MA 2336/2003 seeking condonation of delay in filing MA 2335/2003 was allowed vide order dated 5.4.2004.

4. Learned counsel by drawing our attention to Annexure R-3 dated 10.6.2004 stated that respondents have to effect recovery of the excess amount paid to the applicant which were included in the pension and as such they propose to adjust the excess amount paid to the applicant from 9 % per annum interest on the delayed payment of his commutation value of pension:

5. In our considered view while the respondents have other legal means to effect recovery of excess payment, the proposed recovery cannot be made from the interest amount directed by this Tribunal. Learned counsel of the respondents seeking liberty to take legal recourse for effecting recovery of the excess amount agreed that the respondents shall pay to the applicant the due amount in respect of interest on delayed payment of applicant's commutation value of pension within a month's time.

6. Keeping in view the statement of the learned counsel of the respondents, we direct the respondents to pay simple interest of 9 % per annum to



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the applicant on the delayed payment of his commutation value of pension within a period of one month from the date of receipt of a copy of this order without effecting any recovery therefrom. However, respondents shall be at liberty to take legal recourse for recovery of the excess payment made to the applicant.

7. CP is dropped and notices issued to the respondents are discharged.

S. Raju
(SHANKER RAJU)
MEMBER (J)

V.K. Majotra
(V.K. MAJOTRA)
VICE CHAIRMAN (A)

29.7.04

/ravi/