

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH**

O.A.No. 60/621/2018

Chandigarh, this the 3rd day of February, 2020**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

N.S. Gujral aged 82 years, s/o late Shri Ishar Singh, Gujral, retired as Director Selection Grade, Central Water Commission, New Delhi, R/o H. No. 3118, Sector 21-D, Chandigarh (Group- 'A') Pin 160021.

...Applicant

(BY: MR. R.K. SHARMA, ADVOCATE)

Versus

1. Union of India through Secretary to Government of India, Ministry of Water Resources, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. Chairman, Central Water Commission, Ministry of Water Resources, Sewa Bhavan, R.K. Puram, New Delhi 110066.
3. Sr. Pay and Accounts Officer, Central Pension Accounting Office, Ministry of Finance, Govt. of India, Trikot-II Complex, Bhikaji Cama Place, New Delhi 110066.
4. The Manager, Syndicate Bank, Central Pension Processing Centre, II Floor, Syndicate Bank, Head Office, Muniyal, TQ: Udupi, Karnataka, Pin 576104.

... Respondents

(BY: MR. VINOD K. ARYA, ADVOCATE for respondents no. 1-3)

MR. VIPIN MAHAJAN, ADVOCATE FOR RESPONDENT NO. 4.

O R D E R (Oral)**SANJEEV KAUSHIK, (Member) (J):**

The present Original Application has been filed, where the applicant lays challenge to order dated 28.3.2018 (Annexure A-1), whereby his request for grant of interest on account of delay in fixation of his pension after revision of pay scale on the recommendations of 6th Central Pay Commission report w.e.f. 1.1.2006 has been declined and his pension has been revised w.e.f. 10.11.2014 which had to be revised w.e.f. 30.11.2008. The applicant has thus prayed for grant of interest w.e.f. 1.12.2008 to 30.11.2014, when he has been given less pension than his entitlement.

The facts are largely not in dispute.

2. The applicant had retired from service as Director on 31.8.1994 on attaining the age of superannuation in the pay scale of Rs. 4500-150-5700 with last pay drawn being Rs. 5700. On revision of pay scale, pension of the applicant was revised to Rs. 7354 w.e.f. 1.1.1996. On implementation of 6th CPC w.e.f. 1.1.2006, pension of the applicant was due to be revised based on notification for revision of pension issued on 1.9.2008 (Annexure A-5). As per communication dated 14.10.2008 the pay of the applicant was to be revised by 30th November, 2008. The basic pension of the applicant was revised to Rs. 16,621



w.e.f. 1.1.2006 by the Bank. However, anomaly came to notice of applicant in June 2016 when he got his passbook updated. The applicant started pursuing with the department.

3. It is submitted that the basic pension of the applicant has been fixed as Rs. 16,621/- instead of Rs. 23,050/- by the Bank. Correspondence was made by the applicant with the bank and Pension Authorities. In the month of March, 2016, the applicant has received higher pension in his bank account. Thus, it is submitted that earlier his pension was wrongly calculated and it was refixed subsequently, but he was not given any interest. Then the applicant approached the District Consumer Disputes Redressal Forum, U.T. Chandigarh for redressal of his grievance against the Bank for award of interest w.e.f. 1.3.2006. Pending complaint, the Bank itself has acceded to request of the applicant for award of interest on the delayed pension @ 8% P.A. from 1.12.2014 to 5.12.2016, the date of payment. The learned District Consumer Dispute Redressal Forum allowed Rs. 50,000/- compensation which has also been paid to the applicant.

4. It is thereafter, the applicant approached this Tribunal by filing the instant Original Application wherein he has prayed for award of interest w.e.f. 1.11.2008 to 30.11.2014



which is the last date of revision of pension in terms of letter dated 14.10.2008.

5. On notice of motion the official respondents (Govt. of India) as well as Bank have filed their separate written statements.

6. Respondents no. 1-3 have taken a categorical stand in their written statement that in terms of O.M. dated 01.09.2008, under the subject 'Implementation of Government's decision on the recommendation of the sixth Central Pay Commission- the revision of pension of pre-2006 pensioner/family pensioners etc. particularly in terms of clause 8 thereof, it is the Bank who has to immediately re-fix the pension and release arrears without waiting issuance thereafter of revised PPO by the concerned authority. Thus, it is pleaded that it is the Bank who has wrongly fixed the pension of the applicant @ Rs. 16,621 instead of Rs. 23,050/- and thus the Bank is liable to pay interest which has already been paid from 1.12.2014 to 5.12.2016.

7. Mr. Arya, learned counsel appearing on behalf of Govt. of India (respondents no. 1-3) in support of above plea vehemently argued that after issuance of said O.M. it was the duty of the concerned Bank, who is disbursing pension, by calculating amount and to disburse the arrears thereof



without waiting for revised PPO because it will take time for issuance of revised PPO to thousand of pensioners. Thus, it is submitted that fault for delay, if any, was caused by the Bank and it has to pay interest on his pension.

8. The Bank has filed separate written statement wherein it is submitted that in terms of O.M. dated 1.1.2008, pension of the applicant was fixed @ Rs. 16621/- and the same was forwarded to the PAO, Central Pension Accounting Office, R.K. Puram, New Delhi, for verification who verified the same vide letter dated 30.3.2012 (Annexure R-18) and accordingly they have rightly credited the pension. It is thereafter vide communication dated 25.8.2012 (Annexure R-20) they themselves revised the pension of the applicant to Rs. 23,050/-, but this letter was never communicated to the applicant and the Bank received this letter on 10.11.2014 (Annexure A-9) i.e. after two and a half years. Thus, there is no fault on their part.

9. Mr. Vipin Mahajan, learned counsel appearing on behalf of Bank vehemently argued that there is no fault on the part of Bank to implement the revision of pay and they themselves revised pension of the applicant to Rs. 23,050/- which was approved by the official respondents without there being any objection that they have fixed it correctly. He also argues that they themselves issued revised PPO suo



moto and not communicated it to the Bank indicating whether they had revised pension correctly or not. He submitted that after receiving letter Annexure A-9 dated 10.11.2014, as per order of the Consumer Forum, they realized their mistake and paid interest @ 8% from 1.12.2014 to 5.10.2016 apart from compensation. Thus, it is pleaded that fault lies upon the other respondents to pay interest for the period from 1.12.2008 to 30.11.2013.

10. I have given my thoughtful consideration to the entire matter and perused the pleadings on record with the able assistance of learned counsel for the parties.

11. It is not in dispute that the applicant became entitled for revision of pension in terms of O.M. dated 1.9.2008 w.e.f. 1.1.2006 and the revision was to be carried out up to 30.11.2008. Though Bank has revised pension of the applicant @ Rs. 16,621 which has also been approved by the respondent department, but subsequently on 25.8.2012 they carried out correction themselves in the pension and raised it to Rs. 23,050/-. This letter has not been served upon Bank prior to 10.11.2014 (Annexure A-9). It means that above said letter was not served upon bank for one and a half year.

12. Counsel representing the Govt. of India is also not in a position to show any document that this letter was ever



communicated to respondent no. 4 at earlier point of time. Thus, the responsibility for payment of interest, which the applicant is claiming on the difference of amount of pension from 1.12.2008 to 30.11.2014, which was not disbursed, lies with Respondents no. 1-3. Considering the fact that for subsequent period, the Bank itself has admitted that it was their fault and has paid interest on the difference of amount @ 8% from 1.12.2014 to 5.12.2016, and for the earlier period as noticed above, the fault does not lie with the Bank. It is for the other respondents, who were at fault, for not ensuring that the pension of the applicant is fixed correctly or not. Moreover, they have not communicated letter dated 25.8.2012 to the Bank for correction of their mistake thus they are liable to pay interest at the rate admissible on the GPF amount for the period from 1.12.2008 to 30.11.2014 and the be released to him as expeditiously as possible, but not later than 4 months from the date of receipt of a certified copy of this order.

13. The O.A. stands disposed of with the above directions.

No costs.

(Sanjeev Kaushik)
Member (J)

Place: Chandigarh

Dated: 03.02.2020

sk*

