

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.412/2001

Wednesday, this the 28th day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

M.R. Sahgal, s/o Late Udhoo Ram Sahgal
R/O HIG House No.224
1st Main Road, RMV-II Stage, Bangalore
Retired Section Officer of
the Central Secretariat Service from the
Directorate General of Supplies and Disposal
New Delhi

..Applicant

(By Advocate: Shri R.R.Bharati)

Versus

1. Union of India
through Secretary
Department of Pension & Pensioners Welfare
New Delhi
2. The Director General
Directorate General of Supplies & Disposal
Parliament Street
New Delhi

..Respondents

(By Advocate: Shri R.N.Singh)

O R D E R (ORAL)

The applicant retired from service on 2.1.1959 and has been getting pension in accordance with the recommendations made by the various Central Pay Commissions. When it came to revision of his pension with reference to the recommendations of the 5th CPC, he filed an application for that purpose on 24.9.1999. This was followed up by supply of more information to the respondents on 16.11.1999. Thereafter, he wrote to the Director (Admn.) DGSD on 8.12.1999 and also sent a letter to the Secretary, Department of Supply on 10.12.1999. The aforesaid additional information was supplied in response to respondents' letter of 3.11.1999. By the aforesaid letters, the applicant had supplied a detailed note explaining the basis on which the revised pension has been

(2)

arrived at by him at Rs.4480/- p.m. w.e.f. 1.1.1996. (9)
The aforesaid calculation had been made by the applicant on the basis of official records available with the Govt. (history of services of officers on different dates, the Gazette Notifications issued from time to time etc.) which the applicant could access with great difficulty entirely on his own from the Central Secretariat Library. However, without applying their mind to the calculations made by the applicant as above, the respondents opted for the easier course of action by refixing the applicant's pension at 50% of the minimum of Class II scale of S.O. whereas the applicant had retired as a Class I officer with over 7 years of service in the relevant scale at the time of retirement. By adopting the easier course, the applicant's pension was fixed by the respondents at Rs.3250/- p.m. vide letter dated 3.3.2000 (Annexure A-1). Aggrieved by the fixation of his pay at Rs.3250/- p.m., the applicant made a further representation in the matter which was rejected on 7.12.2000 (Annexure A-4) by stating that no further revision of pension/family pension was found necessary in his case. The applicant has challenged the aforesaid rejection letter dated 7.12.2000 as well as the letter dated 3.3.2000 by which his pension has been wrongly fixed at Rs.3250/- p.m. by filing the present OA.

2. During the pendency of the present OA, the respondents have proceeded to look into the matter afresh and have revised the applicant's pension by fixing it at Rs.4486/- p.m. by their letter of 29.8.2001 (Annexure-R). This has been done by the respondents ostensibly on the basis of information supplied by the applicant. In the 2

counter reply, the respondents have, however, stated that in the absence of definite information regarding the qualifying service rendered by the applicant and the last pay drawn by him at the time of his retirement, they found themselves unable to fix his pension correctly. According to the applicant, in terms of the OM dated 10.2.1998, it was the duty of the respondents to carry out the requisite verification from the available records and to fix/revise his pension within 90 days from the receipt of his application. Since the applicant had made his application on 24.9.1999, the respondents were bound to revise/refix his pension correctly latest by 24.12.1999. Instead they have taken nearly two years from the date of his application to fix his revised pension at the correct level of Rs.4486/-.

3. I have considered the pleadings placed on record and the arguments advanced on either side carefully. A sum of Rs.104392/- has already been paid to the applicant by way of arrears of pension for the period from 1.1.1996 to 31.10.2001 by making calculations in accordance with the revised pension of Rs.4486/- p.m. Thus, the main relief sought by the applicant has already been given. The other relief regarding payment of interest remains to be adjudicated upon. From the facts and circumstances mentioned above, it is clear to me that the respondents are indeed guilty of gross delay in fixation of the applicant's revised pension at the correct level of Rs.4486/-. If they had done their home work properly and in accordance with the OM dated 10.2.1998 and had taken due notice of the detailed information supplied by the

(4)

applicant himself by December, 1999, the respondents could as well refix the revised pension of the applicant at the aforementioned correct level soon after detailed information had been supplied by the applicant in December, 1999. They could, in my view, do so latest by March, 2000. In the event, the respondents failed to do so and instead ^{fixed} ~~fixed~~ the applicant's pension incorrectly at the level of 3250/- p.m. by their letter of 3.3.2000. In the circumstances, it will be only just and proper to direct the respondents to pay interest to the applicant for the period of delay from March, 2000 to 29.8.2001 when the applicant's pension was correctly revised. For the sake of convenience, interest could be calculated w.e.f. 3.3.2000, the date on which the applicant's pension was incorrectly fixed for the period upto 29.8.2001 on which date his pension was correctly fixed. As regards the rate of interest, in the prevailing circumstances, a rate of 10% will be justified. Accordingly, the respondents are directed to pay interest to the applicant @ 10% on the aforesaid amount of arrears of pension in respect of the period from 3.3.2000 to 29.8.2001. They are directed to make payments within a period of one month from the date of receipt of a copy of this order.

4. The present OA is disposed of in the aforesated terms, No costs.

S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)

/sunil/