

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1299 of 1999

New Delhi, this 7th day of January, 2000

HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

Girdhari Lal Gandhi
R/o D/24, Vikas Puri
New Delhi.

...Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India, through
Secretary Telecommunications-cum-Chairman
Department of Telecom
Ministry of Communications
Sanchar Bhawan
Ashoka Road
New Delhi-110001.
2. The Chief General Manager
National Telecom Region
Kidwai Bhawan
Janpath
New Delhi.
3. Chief Accounts Officer(TA)
Department of Telecommunications
Prasad Nagar
New Delhi.
4. Director of Accounts (Postal)
Alipur Road
Delhi-110054.
5. Senior Superintendent of Post Offices
New Delhi Central Division
Through Chief Post Master
Head Post Office, Gol Dak Khana
New Delhi.Respondents

(By Advocate: Shri D.S. Mahendru)

O R D E R

Hon'ble Smt. Shanta Shastry Member(A)

The applicant has retired as Telegraph
Master on 3.5.1986. His pension was fixed at
Rs.899/- p.m. with admissible DA as on 3.5.1986.
It was refixed pursuant to refixation of his pay

2. with effect from May 1986 and was enhanced to Rs.909/- vide order dated 22.4.1997 of the respondent no.2.

2. The applicant draws his pension from the Eastern Court Post Office which is a subordinate office under respondent no.5, i.e. Chief Post Master, Head Post Office, Gole Market Dak Khana, New Delhi. The applicant kept on enquiring with his Post Office about the receipt of his revised pension from May 1997 till November 1998. But he was informed that the Eastern Court Post Office had not received any order of the revised pension from his head Office, i.e. from respondent no.5. The applicant finally issued a legal notice under Section 80 of CPC to the respondent department on 24.11.1998. He requested for payment of his revised pension from the date of his retirement, i.e. 3.5.1986 coupled with further revision in the pension by virtue of the implementation of the recommendations of the 5th Pay Commission with effect from 1.1.1996 at the revised rate as the applicant had been paid at old rates even after the implementation of the recommendations of the 5th Pay Commission. On serving the legal notice, he was intimated by the Postmaster G.P.O., New Delhi vide his letter dated 8.12.1998 addressed to the Senior Superintendent of Post Offices, New Delhi that the applicant is being discharged his pension by the Eastern Court Post Office. Hence the notice was forwarded to the Senior Superintendent of Post Offices for further necessary action. The Senior Superintendent of

Post Offices, New Delhi referred the case to the Chief Accounts Officer i.e. respondent no.3 asking him to take further action. The counsel for the applicant was informed accordingly on 10.12.1998. Further correspondence ensued between the Chief Accounts Officer (Pension), Office of the CGM(NTR) and the Director of Accounts (Postal) Alipur Road, Delhi. The applicant had still not received the revised pension. The applicant is, therefore seeking directions to the respondents to release the payment of arrears of pension in terms of the Pension Payment Order with 18% interest. He is also requesting for arrears of enhanced pension from the old rate of Rs.909 to the revised amount in terms of the 5th Pay Commission together with interest thereon at 18% and he has also demanded exemplary costs because of the delay and unnecessarily driving him to litigation.

(9)

3. The learned counsel for respondents 1-3 informs that the revised Pension Payment Order dated 22.4.1997 did not reach the respondent no.4 and therefore further orders could not be issued to respondent no.5 and to the Eastern Court Post Office. It is only after the receipt of the legal notice from the applicant that enquiries could be made and a Pension Payment Order was issued by the respondent no.3 on 8.7.1999 and the applicant has since received the payment of Rs.7177/- on 9.8.1999. According to the learned counsel the respondents took all possible steps to redress the grievance of the applicant as

soon as it was brought to their notice that the revised pension had not been received by the applicant. They have acted promptly on receipt of the legal notice dated 24.11.1998 and made the payment on 9.8.1999. The respondents have denied that there was undue delay on their part.

(10)

4. The applicant in the rejoinder has questioned the promptness of the authorities. He pointed out that even after the issue of the legal notice the respondents took more than eight months to make the payments. He, therefore, asserts that the respondents should be directed to pay the penal interest on the payment of arrears beside special compensation as deemed fit by the Tribunal.

5. It is very obvious that the payment of the revised pension is badly delayed in the matter. The applicant is not responsible for the delay. ~~It delay has occurred.~~ It is between the respondents to settle the matter and the person concerned should be punished for the same. The applicant should not be made to suffer on account of the postal lapses/delays. This is a genuine case where the respondents have failed to perform their duty and have unnecessarily driven the applicant to litigation. I am satisfied that undue delay has occurred in this case. I, therefore, order the respondents to pay interest at the rate of 12% on the delayed payment of arrears of the revised pension with effect from

5.

22.4.1997 till 9.8.1999. This may be complied with within a period of two months from the date of receipt of a copy of this order.

6. The OA is allowed as above. As the applicant has been unnecessarily drawn into litigation for no fault of his, the respondent nos.3 to 5 are ordered to pay ^{better towards} the costs of litigation to the applicant within two months from the date of receipt of a copy of this order.

Shanta S
(Mrs Shanta Shastray)
Member(A)

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