

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. NO. 2137/99

New Delhi this the 4th day of July, 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)

Sh. Johnson C.C.
D/7/7318
Vasant Kunj
New Delhi

...Applicant

(By Advocate Sh. V.M. Thareja)

Versus

1. Union of India through
its Secretary,
Ministry of Defence,
South Block,
New Delhi- 110001
2. Chief Controller of Defence Accts.
(Pension) Allahabad.Respondents

(By Advocate Sh. Gajender Giri)

ORDER (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

The applicant has filed this O.A. claiming that because of the delay on the part of the respondents in not paying his retiral benefits, including gratuity on superannuation from service w.e.f. 31.3.1998, they are liable to pay him the same with interest. He has claimed interest @ 15% on the delayed payment of pensionary arrears, gratuity and commutation amounts.

2. I have heard Sh.V.M. Thareja and Sh.Gajender Giri, learned counsel for the parties.
3. It is seen from the documents placed on record that the applicant had made a representation to the respondents in respect of his claim for interest on the delayed payment of pensionary amounts on 18/

28.7.99. According to the learned counsel, no reply has been received to this, Hence this O.A.

4. The brief facts of the case are that the applicant states that ~~although~~¹⁸ he had submitted all the necessary documents for grant of pensionary benefits which was due to him on his retirement w.e.f. 31.3.1998. According to him, his Pension Payment Order (PPO) was sent to him by the respondents on 4.9.98 and the actual amounts were credited to his account on 12th November, 1998. The only issue in this case is ~~that~~¹⁹ whether the respondents have delayed payment of pensionary benefits to the applicant, as admittedly his retiral benefits have been given to him after about 6 months of his date of retirement.

5. The learned counsel for the respondents has drawn my attention to the facts narrated in counter affidavit filed by the respondents, which according to him, shows that the respondents have not delayed the payment of the pensionary amounts to the applicant. According to them, the pension papers were received by the CFL, ASC Delhi and were forwarded to DCDA, Delhi Cantt. vide letter dated 6.3.98 and the same were forwarded to the concerned authority for necessary sanction, which was done later on, on the basis of which the PPO was issued in September, 1998. He has also submitted that even in the said office, certain papers were returned with objections which have to be looked into by the concerned officer and till the same

18/

are clarified, the respondents are bound not to make the payment which was due to the applicant. The learned counsel has, therefore, submitted that the O.A. may be dismissed, as there is no delay on the part of the respondents for payment of the retiral benefits.

6. After carefully going through the pleadings and the submissions made by the learned counsel for the parties, I am not impressed by the submissions made on behalf of respondents. From the facts given by the respondents, it is noticed that the Area Accounts Officer, DCDA vide his letter dated 6.3.98 has sent the pension papers in respect of pension amounts due to the applicant in accordance with the rules. The respondents have nowhere stated in their reply what action, if any, they have taken in accordance with the relevant Pension Rules i.e. Rules 57, 58, 60, 61 and 68 of the CCS (Pension) Rules, 1972. Rule 60 of the Pension Rule provides that ^{the P.S.} Head of Office should complete all the papers before 6 months from the date of the retirement of the government servant. The averments made, clearly show that they have taken ^a longer period than what has been prescribed in the Pension Rules for completion of the papers pertaining to the applicant. There is also no specific denial to the averments made by the applicant that he had in fact submitted the necessary papers for payment of the retiral benefits to the Commanding Officer, CFL, Delhi 4 months prior to his retirement.

8.

7. Taking into account the relevant provisions of the Pension Rules and the action taken by the respondents in the instant case, I find force in the submission made by the Learned counsel for the applicant that there is considerable delay on the part of the respondents, for not sanctioning and making the payment of retiral benefits to the applicant in time. They have stated that the Pension Payment Order (PPO) of the applicant has been sent in September 1998 and the applicant has stated that he has received payment only in December 1998.

8. Taking into account the facts and circumstances of the case, as well as the provisions under the Pension Rules, the O.A. succeeds and is allowed as follows:

The respondents are directed to pay simple interest @ 10% p.a. on the delayed payment of pensionary benefits to the applicant in accordance with the Rules from the due dates till date of actual payment. It is clarified that the date of payment of pension shall be taken as the date on which they have issued the PPO on 23.9.98 to the applicant. In this regard necessary payment shall be paid within 2 months from the date of receipt of copy of this order. No order to costs.

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)