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Central Administrative Tribunal
Principal Bench

O.A. 835/99

New Delhi this the 20th day of January, 2000

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

O.P. Joshi,
S/o late Shri K.R. Joshi,
R/o 355, Vikas Kunj,
New Delhi.

... Applicant.

By Advocate Shri Sarvesh Bisaria.

Versus

1. Union of India through
Secretary,
Ministry of Defence,
North Block,
New Delhi.

2. Chief CDA Pensions,
Office of the Chief CDA Pensions
Allahabad, UP.

... Respondents.

By Advocate Shri S.K. Gupta.

O R D E R (Oral)

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

I have heard both the learned counsel for the parties and perused the records.

2. The claim of the applicant in this case is for interest on the delayed payment of retiral benefits @ 18% per annum and for quashing the orders passed by the respondents for recovery of Rs.283/- from the Provident Fund of the applicant and to pay this amount also with 18% interest.

3. The brief relevant facts of the case are that the applicant retired from service on superannuation on 30.11.1997. The 5th Pay Commission made its recommendations

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which were given effect to by the Govt. of India's order dated 27.10.1997 w.e.f. 1.1.1996. Admittedly, the applicant was paid retiral benefits, taking into account the pre-revised pay scale ^{as per} on December, 1997. Thereafter, in November, 1998, he was paid retiral benefits on the revised pay scale which had taken effect from 1.1.1996.

4. Shri Sarvesh Bisaria, learned counsel for the applicant has submitted that the formalities which had to be completed on the part of the applicant had been done in March, 1997, that is at least eight months prior to the retirement date of the applicant. His contention is that there has been inordinate delay on the part of the respondents, in making payments of the revised pensionary amounts due to the applicant, on which he submits that interest is payable. He is aggrieved that although the applicant had made a representation in this regard, the same has been rejected. Hence this O.A. He relies on the judgement of the Supreme Court in *State of Kerala Vs. Padmanabhan Nair* (1985(1) SCC 429).

5. The respondents in their reply have submitted that in accordance with the revised pay scales as recommended by the 5th Pay Commission, the orders were issued only on 27.10.1997 although it was to take effect w.e.f. 1.1.1996. The applicant also had to exercise his option whether he would like to have the fixation of pay in the pre-revised or revised pay-scale for computing his pensionary benefits which he had submitted on 24.12.1997. This was received in the office of Respondent 1 only on 9.1.1998 which was thereafter sent to Respondent 2 through the Controller of

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Defence Accounts for issue of revised Pension Payment Order (PPO). The corrigendum PPO revising the pensionary benefits of the applicant were issued on 23.7.1998. On representation received from the applicant that his pension has not been fixed correctly, the case was again taken up for necessary rectification in the PPO and finally it was rectified and fresh PPO was sent to the applicant's bank on 21.10.1998. Thereafter, admittedly the applicant has been receiving revised pensionary amounts from November, 1998. Learned counsel for the respondents has, therefore, submitted that as it is seen that there has been no unnecessary delay on the part of the respondents, the claim of the applicant for interest may be rejected.

6. As regards the recovery of Rs.283/-, learned counsel for the respondents has submitted that an amount of Rs.100/- was wrongly credited into the GPF account of the applicant in September, 1988. He has, submitted that, therefore, Rs.100/- plus the ensuing interest is refundable to the Government which amounts to Rs.283/-. This has been vehemently disputed by the learned counsel for the applicant. It is seen that the learned counsel for the respondents has not been able to place on record any papers to show that an excess amount of Rs.100/- was credited in the GPF account of the applicant as far back as in September, 88, or any reasons for the respondent's delay in taking further action.

7. Taking into account the facts and circumstances of the case, I find some force in the claim of the applicant

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that there has been unnecessary delay on the part of the respondents in finalising the revised pensionary amounts which were due to the applicant on revision of pay scales as a result of the recommendations of the 5th Pay Commission. These recommendations have been given effect to by the Govt. of India by their order dated 27.10.1997 w.e.f. 1.1.1996. Admittedly, the applicant had also submitted the revised option as required under the Rules as far back as 24.12.1997, that is within one month of his retirement. The respondents seem to have issued the PPO revising the pensionary benefits of the applicant only on 23.7.1998. It is further noticed that this revised PPO was also found to be erroneous and thereafter the respondents issued a fresh PPO on 21.10.1998 and thus it shows that there has been considerable delay caused by the respondents in settling the pensionary benefits which are to be paid by them to the retired Govt. servant who had retired as far back as 30.11.1997.

8. In the facts and circumstances of the case, the O.A. succeeds and is disposed of as follows:

- (i). Respondents are directed to pay interest to the applicant @ 10% per annum for the delay, on the amount due to him on account of the revision of pension on the new scale till the date of actual payment. This shall be done within a period of two months. In case the interest amount is not paid during this period,

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the applicant will be entitled to get interest @ 12% per annum thereafter till the date of payment.

(ii) The applicant shall also be paid the amount of Rs.283/- which was recovered from his GPF account immediately by the respondents.

Parties to bear their own costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

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