

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 891/99

(16)

Hon'ble Shri Justice V. Rajagopala Reddy, Vice-Chairman (J)

New Delhi, this the 15th day of March, 2000

Shri K.L.Tyagi
O/S Grade II (Retired) from
M.F. School & Research Centre,
Meerut
now r/o C/o Smt. Vineeta Tyagi
Sub-Inspector of Police (Delhi Police)
Type - III/15, Police Station
Preet Vihar Complex
New Delhi. .. Applicant

(By Shri V.P.S.Tyagi, through Shri Yogesh Sharma, Advocate)

Vs.

1. Union of India through
Secretary
M/o Defence
New Delhi.
2. The QMG, QMG's Branch Army
Headquarters, DHQ P.O.
New Delhi.
3. The D.D.G.M.F., QMG's Branch
AHQ, DHQ PO New Delhi.
4. The Commandant Mily. Farm's
School and Research Centre
Meerut Cantt.
5. The Chief C.D.A. (Pensions)
Dropadi Ghat,
Allahabad. ... Respondents

(By Shri A.K.Bhardwaj, through Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

By Reddy. J.

None appears for the parties either in person
or through their counsel except the aforesaid proxy counsel
to inform that the Advocates are abstaining from Court.
Since this is admitted case and the pleadings are complete,
I dispose of the case on the basis of the available pleadings
on record even in the absence of the parties under Rule 15

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(16)

of the Central Administrative (Procedure) Rules, 1987.

(X)

2. The applicant was retired from service on attaining the age of superannuation on 31.8.1996 from the post of Office Superintendent Grade-II from M.E. School & Research Centre Meerut in pre-revised pay scale of Rs.1400-2300. As the pay scales have been revised as per the recommendations of the Fifth Pay Commission, the pay scale of Office Superintendent Grade-II has been revised to Rs.5000-8000 by virtue of the order of the Government of India dated 8.11.1997 his pay has been fixed at Rs.6050/- w.e.f. 1.1.1996. He was paid arrears of pay and difference of leave encashment. The grievance of the applicant is that the difference of Gratuity, Capitalised value of the pension, etc. was not paid to him. The applicant therefore seeks the payment of the same with interest at 18% per annum as there was a delay from the date it fell due till the date it was paid.

3. The respondents, however, submits that the applicant has been sanctioned the pension/gratuity and commutation of pension, etc. as per Rules w.e.f. 1.1.1996. A pension payment order has also been issued on 16.2.1999, Annexure-A2. It is submitted that the orders regarding pensionary awards were issued by the Government of India in its proceedings dated 27.10.1997 and it was received by the various Departments in November, 1998. Accordingly, CDA (Army) Meerut Cantt forwarded the claim of the petitioner for revision of his pensionary awards, pursuant to the recommendations of Fifth Pay Commission, effective from 1.1.1996 vide order dated 5.1.1999. The respondents immediately revised the pensionary awards to the applicant and dispatched the same on 1.2.1999, i.e., within a period of one month from the

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date of receipt of the claim. It is therefore stated that there is no delay in paying the said amounts. Hence it is stated that the applicant is not entitled for any interest. (18)

4. I have given careful consideration to the pleadings of the case. The claim made by the applicant as regards the payment of revised pension, gratuity and commutation of pension does not survive as the same were paid by the respondents. I also do not find that any delay occurred in this case. As is evident from the averments made in the reply, immediately after the proceedings have been received from the Government in November, 1998, the respondents have forwarded the claim of the petitioner for revision and the same was revised in the proceedings dated 1.2.1999, i.e., within the period of one month from the date of receipt of the claim.

5. In the above circumstances, I do not therefore find any merit in the OA, the same is accordingly dismissed. No Costs.

Ch. Jayaram
(V. RAJAGOPALA REDDY)
VICE-CHAI RMAN(J)

/rao/