

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.853/98

Hon'ble Shri R.K.Ahooja, Member(A)

(13)

New Delhi, this the 27th day of October, 1999

Dipak Rag Guha
s/o Late Shri S.C.Guha
House No.A-50, Chittaranjan Park
New Delhi - 110 019. ... Applicant
(Applicant in person)

Vs.

1. Union of India through
The Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi - 110 001.
2. The Director of Printing
Directorate of Printing
Government of India
B - Wing, Nirman Bhawan
New Delhi - 110 001.
3. The Manager
Government of India Press
Minto Road
New Delhi - 110 001. ... Respondents

(By Shri D.S.Jagotra, Advocate)

O R D E R

The back ground of the case in brief is stated below:

2. The applicant, while working as LDC in the Govt. of India Press, Minto Road New Delhi w.e.f. 31.1.1955, was, in response to an advertisement, selected as an Assistant in Central Warehousing Corporation, a Govt. of India Undertaking and was thereupon released from the post of LDC on 6.1.1970. The applicant's services were regularised in the Central Warehousing Corporation w.e.f. 1.1.1975. Certain dues were to be paid by the applicant to his original employer by way of contribution towards

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foreign service and banking and electricity charges for the Government accommodation allotted to him. The electricity charges were paid by him on 5.1.1972 and a request was also made that foreign service contribution may be recovered from the retirement benefits. These were finally paid by him on 12.1.1993. The applicant had also in the meantime, on 8.3.1990 sought payment of pro rata retiral benefits including pension as per Government of India DOPT OM No.28/19/84-Pension Unit dated 29.8.1984. Initially the claim of the applicant was not allowed as he had left Govt. service prior to 28.8.1984. Later in pursuance of the Supreme Court's Judgment, the claim of the applicant was allowed to the extent that pension was sanctioned w.e.f. 29.8.1984. Aggrieved by the refusal of the respondents to sanction him pension w.e.f. 1.1.1975, and also for not calculating his pension on 29.8.1984 correctly at Rs.111/- per month, he filed an OA No.1716/93. Noting that the respondents had already accepted the liability to pay applicant's pension and other retirement benefits, the Tribunal disposed of the said OA with the direction to the respondents that his pension case shall be finalised within a period of six months and he will be entitled to interest at the rate of 10% per annum from 14.5.1993 to the actual date of payment. Applicant thereafter filed a CP 199 of 1994 for non-compliance of the aforesaid directions. Thereafter the respondents released the pension of the applicant from 29.8.1984 along with 10% interest. As pension for the period 1.1.75 to 28.9.1984 was not allowed, the applicant again filed a CP which was dismissed by the Tribunal on the ground that there was

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no direction in regard to the claim of the pension from 1.1.1975 and if aggrieved by the fixation of the pension the applicant could approach the Tribunal by filing another OA. The applicant thereafter filed an OA 705/95 which was disposed of by an order dated 1.4.1987 with the direction that the respondents will consider any such representation filed by the applicant within one month and dispose of the same with a reasoned and speaking order. The applicant has however again come before the Tribunal in the present OA alleging that though the arrears have since been paid to him the interest w.e.f. 1.1.1975 has not been paid thereon.

3. The respondent in their reply have stated that the arrears of pension for the period 1.1.1975 to 28.9.1984 could not be paid earlier to the applicant as a number of departments were involved in this case to whom references had to be made.

4. I have heard the counsel. The claim of the applicant from the very beginning was for pro rata pension from 1.1.1975. The respondents did not allow him these benefits at all and later allowed it only w.e.f. 29.8.1984. His pension was also not correctly fixed in the first instance. This lead to the applicant approaching the Tribunal in OA No.1716 of 1993. Thereafter he was obliged to file two Contempt Petitions which lead to the decision that the arrears will be paid from 29.8.1984. The applicant was thus obliged to approach the Tribunal once again in OA 705/95. It was submitted before me that the applicant has since been paid the arrears from 1.1.1975 and the

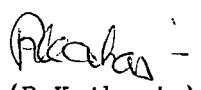
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learned counsel for the applicant confirmed that the applicant is now in receipt of correct pension from the correct date. The relief sought for by him is thus confined only to the payment of interest at the rate of 18%.

4. Considering the fact that the respondents have charged interest from the applicant on the foreign service contribution, I am of the view that the applicant is also entitled to payment of interest on the arrears of pension now paid to him. The Tribunal had allowed 10% interest on the payment of arrears from 14.5.1993 in its orders in OA 1716/93. If the pension had been allowed to the applicant, from 1.1.1975, at that very time, then the interest would have been paid at 10% from 14.5.1993 on these arrears also. From these facts and circumstances, the applicant, in my view, is entitled to the same rate of interest from the same date.

5. In the result, this OA is disposed of with a direction to the respondents to also pay 10% interest on the arrears of pension ~~from~~ ^{as} the period 1.1.1975 to 29.8.1984 at ~~the~~ ^{the} rate of 10% from 14.5.1993 to the actual date of payment. The payment of this interest will be made to the applicant within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(R.K. Ahooja)
Member (A)

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