

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 2479/95

New Delhi this the 2nd day of December, 1996.

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

Sewa Singh,
S/o Shri Basant Singh,
C/o R. Kapur, Advocate,
B-70, Paschimi Marg,
Vasant Vihar,
New Delhi-110057.

..Applicant.

By Advocate Shri R. Kapur.

Versus

Commissioner of Income Tax IV,
Drum Shape Building,
Inder Prastha Place,
New Delhi.

..Respondent.

By Advocate Shri V.P. Uppal.

O R D E R (ORAL)

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

The applicant who has voluntarily retired from service w.e.f. 22.6.1983 is aggrieved that no pension has been paid to him till date. Shri Kapur, learned counsel for the applicant, submits that the applicant left for U.S.A. to settle there soon after the respondents accepted his request for voluntary retirement on 22.6.1983. He further submits that as can be seen from the letter dated 23.6.1983 (Annexure 'B'), the applicant had, in fact, completed the necessary formalities for receiving his pension before he left for U.S.A. However, admittedly the respondents have not paid him any pension so far. He has further submitted that although on subsequent visits the applicant made to India, he had seen some of the officers in the Respondent's office

regarding payment of his pension, he did not make any written request with regard to the same till 11.4.1994. This O.A. has been filed on 19.12.1995 for directions to the respondents to pass orders for payment of his pension, including arrears of pension, gratuity and interest upto the date of payment.

2. The respondents have filed a reply in which they have taken the preliminary objection that the applicant has approached the Tribunal after a gap of more than 12½ years. They have also submitted that provided the applicant would cooperate with them to complete the necessary formalities, they would construct his service documents and pay the amount of pension due to him from 11.4.1994. Shri V.P. Uppal, learned counsel for the respondents, has submitted that apart from pension the applicant had also not collected two months' salary which is due to him prior to his retirement, i.e., for May and June, which is still lying with the respondents.

3. I have carefully considered the facts and the record in this case. Although the applicant voluntarily retired from service with effect from 22.6.83, it appears that the pension has not been paid to him. The applicant left soon after retirement for U.S.A. in July, 1983 itself and he had not pursued the matter with the respondents till 1994. In this letter of 11.4.94 he has stated that he had waited for the pension orders till the end of July, but the formalities had not been completed and he so he left for U.S.A.

B He had, however, submitted the necessary

contd...3.

joint photographs with his wife as seen from the Annexure 'B' letter dated 23.6.1983. It was, therefore, incumbent on the respondents to either intimate to the applicant what further requirements he had to complete in respect of his pension matter or show that they have sent him the dues as per the rules. However, the non-action of the applicant in this case till admittedly 11.4.1994 also shows ^{acted in a reasonable manner or} that the applicant himself has not pursued his case diligently and the case, therefore, suffers from laches and delay on his part. Nothing has been placed on record to show that the applicant had at any time before 11.4.1994 approached the respondents to complete the necessary formalities in respect of his pension, gratuity etc. In this view of the matter taking into account the peculiar facts and circumstances of the case, therefore, the O.A. is disposed of with the following directions:

- (a) The claim for interest is rejected;
- (b) The respondents to complete all the necessary formalities regarding payment of pension to the applicant within a period of three months from the date of receipt of a copy of this order. The applicant shall cooperate to complete the necessary formalities within the time prescribed to be informed by the respondents;
- (c) The applicant is entitled for payment of pension and gratuity w.e.f. 1.12.1994, that is one year before the filing of the application;

(8)

(d) The salary which is admittedly due to the applicant shall also be paid within this period.

(e) O.A. is disposed of as above. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'