

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1173/1995

New Delhi, this 7<sup>th</sup> day of <sup>June</sup> ~~July~~, 1996

Hon'ble Shri B.K. Singh, Member (A)

9

E.S. Mohanty  
273, Satya Niketan  
New Delhi-21

(By Shri S.K. Sawhney, Advocate) ... Applicant

Vs.

Union of India, through

1. General Manager  
SE Rly, Garden Reach  
Calcutta

2. FA&CAO  
SE Rly, Garden Reach  
Calcutta

... Respondents

(By Shri H.K. Gangwani, Advocate)

ORDER

This application has been preferred against non-commutation of pension, even after finalisation of DE against the applicant and the order passed by the competent authority on 6.4.93 & 18.3.93. The applicant had preferred another OA No.1044/93 which was decided on 7.4.94. In that OA, he had sought several reliefs such as treating him as on pension from the date of expiry of notice for voluntary retirement i.e. 25.5.85 and payment of pension and retirement benefits from the date but during the final hearing he confined himself only to the payment of interest on delayed sanction of provisional pension. The applicant superannuated on 31.12.88 but the



provisional pension was sanctioned only on 8.6.92. It was argued by the respondents that since DEs were pending against the applicant, the competent authority did not accept the request for voluntary retirement and for payment of provisional pension. As a result of completion of 2 proceedings, final decision was communicated to the applicant on 17.4.93. In one, the applicant was awarded a punishment of ~~10%~~ cut in the pension for 5 years and in another, a cut of Rs.1000/- from the gratuity. Thus the final order was passed only on 17.4.93 and this was the crucial date from which final pension order could be issued in his favour. (10)  
Corrected  
vide order  
on MP  
223/96  
INOA 1173/95  
dated 1-11-96

2. The reliefs sought for in the present OA are to pay commuted value of pension to the applicant from 30.5.93 and to pay interest @ 12% from 6.4.93 to the date of payment. On notice, the respondents filed the reply contesting the application and grant of reliefs prayed for. Heard the learned counsel for the parties and perused the records of the case.

3. The commutation requiring certain codal formalities to be completed by the applicant and after completion of those formalities, he was entitled to commutation of pension after making a cut of ~~10%~~ from the pension and declaring it to be the final amount and on this amount, 1/3rd pension is to be commuted. This should have been done within a period of 6 months from the date of final order of the competent authority in regard to imposition of punishment of 10% cut in the pension. If we ignore six months for completion of formalities the applicant would be entitled for commutation w.e.f. 17.10.93. Thus, there was a delay in finalisation of commuted value of pension. The respondents

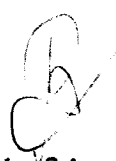
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Corrected  
vide order on  
MP 223/96  
INOA 1173/95  
dated 1-11-96

(X) Corrected vide order on  
MA 223/96 in OA  
1173/95 dated 1-11-96  
(11)

are directed to pay commuted value of pension after  
effecting a cut of ~~10%~~<sup>5% (X)</sup> and treating ~~99%~~<sup>95% (X)</sup> amount as final  
pension amount and allow commutation and also pay interest  
@ 10% p.a. from 17.4.93 till date of final payment.

4. With the above direction/observation, the DA  
is disposed of but without any order as to costs.

  
(B.K. Singh)  
Member (A)