

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.1804/94

New Delhi this the 8th Day of August, 1995.

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

Shri Rajinder Nath(MES-308669),
S/o Sh. Raj Kishore,
R/o 170, Surya Kiran Apartment,
GJM Fazalpur, Patparganj,
Delhi-92.

Applicant

(through Sh. R.K. Bakshi - none present)

versus

1. Ministry of Defence,
through its Secretary,
South Block,
New Delhi.
2. Engineer-in-Chief, Army Headquarters,
Kashmir House,
New Delhi-11.
3. Chief Engineer Commander(HQ) WAC.,
Indian Army,
Chandi Mandir-134107.

Respondents

(through Sh. V.S.R. Krishna, advocate)

ORDER(ORAL)

delivered by Hon'ble Sh. B.K. Singh, Member(A)

None appeared for the applicant even on the second call. None appeared even on 9.2.95, 17.5.95 and on 5.6.95 proxy counsel Sh. M.B. Tripathi appeared for the applicant.

The learned counsel for the respondents states that the reliefs prayed for in this O.A. which were to the effect that the applicant should be allowed revised pay scale with effect from 1.1.1986 till 31.10.1993 - the date of retirement of the applicant and that he should be paid the arrears and also to allow him pension on the basis of the revised pay scale w.e.f. 1.1.86 and his gratuity and commuted pension should be calculated on that basis have since been allowed by the respondents.

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This O.A. was filed on 17.8.94 for non-fixation of pay of the applicant under the revised rules w.e.f. 1.1.86 as a result of the acceptance of the recommendations of the 4th Pay Commission. The learned counsel for the respondents states that the reliefs prayed for have since been allowed by the respondents themselves and, therefore, the application has become infructuous. He files a statement which is taken on record. The statement clearly shows that arrears of pay from 1.1.86 to 31.10.93, as given below, have already been made to the applicant:-

Payment on account of	Amount Rs.	Paid on
(a)Arrears of pay fixation from 1.1.86 to 31.10.93.	48,652.00	By cheque No. 782945 of 07 Apr.94. (Annexure-1).
(b)Leave encashment	44,520.00	paid on 8.3.94 by cheque No.78
(c)CGEIS	4,606.00	dt.8.3.94 Annexure-2
(d)Pension sanctioned per month	1,281.00	paid vide CDA (Pensions) Allahabad PPO dt.05 Dec94
(e)Residual Pension per month (After commutation of Rs.427/- PM)	854.00	and same PPO sent to his Bank, Syndicate Bank, Pension Cell, RK Puram, New Delhi.
(f)Net retirement pension gratuity	36,981.00	(Annexure 3)
(g)Commutation of pension	53,598.00	
(h)GP Fund	46,598.00	Paid vide cheque No.557166 dt.19.11.93 (Annexure-IV)

Since the payments have been made within the stipulated time of 8 months from the date of submission of the various prescribed forms for payment



of G.P.F., leave encashment, gratuity etc., no case is made out for grant of 18% interest on the amounts due to the applicant. The statement submitted by the learned counsel for the respondents is taken on record and the O.A. is dismissed as infructuous.

(B.K. Singh)

Member(A)

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