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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1836/2000

Tuesday, this the 4th day of September, 2001

Hon'ble Shri Shanker Raju, Member (Judl)

Santosh Kumar
H.No.S-128, (School Block),
Durga Mandir Gali,
Shakarpur (Extn),
Delhi-92.

....Applicant

(By Advocate: Shri B.N. Bhargava)

V E R S U S

1. U.O.I.
Through The Secretary,
Ministry of Communication,
Deptt. of Telecommunication,
% CGM, NTR, DTO Building,
Prasad Nagar,
New Delhi-5.
2. Sr. A.O. (Pension),
% CGM, NTR, DTO Building,
Prasad Nagar,
New Delhi-5.

....Respondents

(By Advocate: Shri P.P. Ralhan, proxy for Sh. Mudgil)

ORDER (ORAL)

Heard the learned counsel for both the parties.

2. The grievance of the applicant in the present case is that despite availability of Government's order dated 30.12.1997 on revision of pay scales, the respondents have taken beyond three months to pay the applicant the revised pensionary benefits, which were accorded to him respectively on 23.5.1998 and 2.6.1998. In this background, it is stated that the limit as prescribed under rule 68 of the CCS (Pension) Rules, 1972, the same should be accorded within three months and thereafter they are liable to pay interest. The learned counsel for the applicant has placed reliance on a

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decision of the Apex Court in State of Kerala and Others vs. M. Padmanabhan Nair reported as (1985) 1 SCC 429 wherein it has been held that in case of culpable delay in settlement and disbursement of pension and gratuity, the applicant is entitled for payment of interest. It is also observed that the necessity for payment of retirement dues to a Government servant immediately after his retirement cannot be over emphasised.

3. On the other hand, the learned counsel for the respondents strongly rebutting the contention of the learned counsel for the applicant stated that the payment of DCRG and Commutation had already been paid to the applicant on 4.11.1997 and the amount on account of CGEIS was paid to him on 2.1.1998 as a consequence of revision of pay scales by the 5th Central Pay Commission. The Government has decided to revise the pay scales with effect from 1.1.1996 and the orders pertaining to such revisions have been received by the respondents in their office on 30.12.1997 and as such further formalities which were involved in the fixation of pay were completed and a revised LPC was received by the Pension Cell on 18.3.1998 and the same was sent to the concerned Accounts Officer on 24.3.1998 and a revised authority was issued on 29.4.1998. In this background, it is stated that there was no intentional or culpable delay in the payment of dues on account of DCRG/ Commutation etc. by the respondents to the applicant which was ultimately accorded within three months from the date of preparation of the revised LPC.

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4. I have considered the rival contentions of the parties and perused the material on record.

5. In my considered view, the applicant has already been accorded the benefits under the pre-revised and the revised revision of pay w.e.f. 1.1.1996. The respondents having received the concerned order only in December, 1997, have taken time to disburse the same to the applicant as this cumbersome process involves seeking options and ascertaining the claim of the applicant and calculation etc w.e.f. 1.1.1996. The delay, if any, is neither culpable nor intentional. I find justification in the delay. The reasons given by the respondents for the delay in the disbursement of dues of pensionary benefits to the applicant^w are justified. As such the claim of the applicant for accord of interest is not legally^h tenable and is, therefore, rejected. The present OA is accordingly dismissed. No costs.

S. Raju

(Shanker Raju)
Member (J)

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