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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

CCP 245/1991

in

O.A. 1117/1989.

Date of decision: 12.2.1992.

Shri Bhim Sen

...

Petitioner.

vs.

Shri D.C. Misra,

D.R.M., Northern Railway & Anr. ..

Respondents.

CORAM :

HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

HON'BLE MR. P.C. JAIN, MEMBER (A).

For the petitioner

...

In person and
Shri G.D. Bhandarni,
counsel.

for the respondents

...

Shri D.P. Kshatriya,
counsel.

ORDER (ORAL)

(HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN)

What is complained in this case is non-compliance
of the judgment of the Tribunal in OA 1117/1989.

since the counsel for the petitioner tried to maintain
that the respondents have not complied with ^{all} the directions,
we consider it appropriate to extract the directions
which the respondents were required to comply with as
follows:

"Accordingly, we direct that the respondents
shall make the payment of the differential
in the amount of DCRG to the applicant, as due,
reckoning his last drawn pay as Driver 'A'
in accordance with the rules, with interest,
as applicable under the rules. They shall
also pay him arrears on account of the

differential in the amount of pension from the date of retirement, reckoning the salary and allowances etc., as he would have received as driver grade 'A'."

so far as the payment of differential amount of the D.C.R.G. is concerned, it is not disputed that the petitioner has since received the said amount. There was, however, a subsisting complaint about the payment of interest on the said amount. It is for that purpose, we had adjourned the case whereupon it was submitted today that a cheque for a sum of Rs.3,492/- representing the interest on the differential amount of the D.C.R.G. was paid to the petitioner today in the court. Though late, payment of interest having been made, there is now full compliance of the first part of the directions of the Tribunal. The only other direction that requires examination is in regard to payment of arrears on account of the differential in the amount of pension from the date of retirement, reckoning the salary and allowances etc. as he would have received as driver grade 'A'.

The respondents say that they have complied with this direction by passing an order No.028714922/DAO/DLI which was produced before us today. It is an authorisation to the Manager, Punjab National Bank, Shahidganj, Saharanpur (U.P) to pay pension to the petitioner (pensioner) having regard to the revision of his pension from Rs.1119 to Rs.1601 with effect from 1.4.1987. Relief on pension sanctioned from time to time is also directed to be paid to the petitioner. It was submitted that

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this authority has been sent to the petitioner by Registered Post. The petitioner who was present before us today confirmed that his son has received ^{the} a registered letter. We are, therefore, satisfied that the order authorising difference in payment has been duly communicated to the petitioner. It is for the Punjab National Bank wherefrom the petitioner is receiving pension to pay the difference in pension as per the authorisation issued by the authorities concerned. There is, therefore, compliance with the second direction also.

2. So far as the payment of commutation is concerned, the judgment of the Tribunal do not contain any such direction. However, we find from the authorisation referred to above that consequent upon the revision of pension, the amount of commutation to which the petitioner has become entitled to has also been directed to be paid to him. Shri G.D. Bhandari, counsel for the petitioner submitted that on the said amount, there should be a direction for payment of interest. Firstly, it is necessary to point out that there is no specific direction in the judgment of the Tribunal in regard to the payment of commutation. The authorities have, however, rightly taken action to make direction to the Bank regarding payment of appropriate amount of commutation having regard to the revision of the pension of the petitioner. As there is no primary direction in regard to the commutation and the payment of interest on the said amount, we cannot be

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called upon to take action against the respondents on the ground that they are liable to pay interest on the difference in the commutation amount.

3. Though late, the respondents have complied with the directions given in the judgment. Having regard to the circumstances, we accept the explanation offered by the learned counsel for the respondents attributable to administrative problems in the matter of complying the directions. Hence, ^{as} all the directions have since been complied with, we accept the explanation and drop these proceedings.

C. Jain
(P.C. JAIN)
MEMBER(A)
12.2.1992.

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN
12.2.1992.

SKS