

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

MP 776/91 in
O.A. No. 173/1991
T.A. No.

199

DATE OF DECISION 15.03.1991.

Shri D.C. Vohra

Petitioner

In person.

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Shri M.S. Gupta, Pay & Accounts Officer, Ministry of External Affairs

Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? */No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? */No*

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

Heard the applicant in person and Shri M.S. Gupta, Pay and Accounts Officer of the Ministry of External Affairs. The grievance of the applicant is that the pension payable to him was not released for the period from 1.11.1989 to 31.12.1990.

In addition to the amount of pension, he has also claimed interest at the rate of 21% per annum as charged ~~from~~ ^{by} Bankers from their customers. He has also relied upon the decision of the Supreme Court in the case of State of Kerela Vs. M. Padmanabhan

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Nair, AIR 1985 SC 356 in support of his contention.

2. The application was filed in the Tribunal on 18.1.1991. Notice was issued to the respondents to show cause why the relief sought by the applicant ~~be~~ not granted. On 6.2.1991 Shri M.S. Gupta, Pay & Accounts Officer appeared on behalf of the respondents. The Tribunal passed an order directing the respondents to instruct the State Bank of India, Central Secretariat Branch, New Delhi, to release the payment of pension to the applicant regularly provided he has complied with the formalities required in this behalf under the rules.

3. Shri Gupta has produced before us the instructions issued by the Pay & Accounts Office. The Pay & Accounts Officer of the Ministry of External Affairs wrote to his counter-part in the Central Pension Accounting Office on 15.2.1991 authorising them to arrange the payment of the arrears of pension and dearness relief admissible to the applicant for the period from 1.11.1989 to 30.11.1990. It has also been mentioned in the said letter that the pension and dearness relief to the applicant be disbursed to him thereafter without any delay.

4. The State Bank of India from where the applicant is drawing his pension has informed the applicant vide their letter dated 5.3.1991 that a sum

of Rs.24,102/- has been credited to his S.B. Account.

According to the Bank, the amount was not credited to his account earlier for want of Life Certificate to be submitted in November, 1989.

5. According to the applicant, he ~~had~~ submitted the Life Certificate. According to him the certificate may have been misplaced by the Bank. We see no reason to disbelieve the version of the applicant.

6. Admittedly, the amount of pension and dearness relief payable to the applicant had remained with the Government all these months till it was released to the applicant. In the interest of justice, we feel that the respondents should pay interest on the said amount at the rate of 12% per annum on the pension payable month to month. We, therefore, direct the respondents through Pay & Accounts Officer, Ministry of External Affairs to instruct the Bank from which the applicant is drawing his pension to pay the interest calculated at the rate of 12% on the delayed payment of pension as mentioned above. The respondents are directed to comply with the above directions within a period of one month from the date of receipt of this order.

There will be no order as to costs.

D. K. Chakravorty
(D.K. CHAKRAVORTY)
MEMBER, (A)

P. K. Kartha
(P.K. KARTHA)
VICE CHAIRMAN (J)