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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 571/1991. DATE OF DECISION: 6-6-1991.

Kamal Singh APPLICANT.

V/s.

UNION OF INDIA & Anr. RESPONDENTS.

CORAM: Hon'ble Mr. Justice Ram Pal Singh, V.C. (J).
 Hon'ble Mr. P.C. Jain, Member (A).

Applicant in person.
Shri M.L. Verma, counsel for the respondents.

(Judgment of the Bench delivered by
Hon'ble Mr. P.C. Jain, Member (A)).

JUDGMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs: -

- "8.1) That the interest on the commutation value pension voucher No.484 dt. 3.7.1987 Rs.5901/- interest should be pay from the date of due ie. 30.7.1981 i.e. Six years Rs.4248/- should be paid at once as per Annexure page 17.
- 8.2) Commutation value offered - 1/3rd of Original pension into 12 x rate of the commutation at the age. - 125/- x 12 x 14.64 - 16,439/- commutation value paid on 3.7.87 - 5,901/- net amount payable Rs.16,439/- as the next date of birth at the age of 45 year is 26.1.1988 @ Rs.16.64 N.P.
Difference in the commutation value work out at the age of 39 yrs, date of birth 26.1.1982 @ Rs.16.31 - Rs.6458.76 N.P and the amount paid at the age of 45 yrs, birth date 26.1.1988 @ Rs.14.64 x 12 x 33 - 5901/- Net amount payable 557.76 N.P.
disposal of this O.A. should be pay at the final judgement stage.
- 8.4) Difference in Assessment of the period of interest on the delay payment of the pensions from the date of filing of this application to the date of payment of first pension 9.12.86 29 months have also be GRANT and PAY to the applicant."

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2. The respondents have contested the application by filing a counter reply. We have perused the material on record and have also heard the applicant in person and the learned counsel for the respondents.

3. In the judgment dated 5.9.1989 in O.A. No.808/86 filed by the applicant herein, he was aggrieved by the order by which he was granted D.C.R.G. but not pension and he had prayed for grant of full retirement benefits. The Bench in that case had noted the basis of the calculation of pension, D.C.R.G., Commuted Value of Pension and G.P.F. and did not find anything that the calculations had been incorrectly made. The Bench further noted that "it appears that all dues have been paid and accounted for. However, one aspect of the matter may be considered. There is some delay in making the payment. The applicant retired on 30.6.81. He was paid a part of the dues on 6.12.86 and the necessary amounts on 18.2.87, 21.5.87 and 19.8.87. We, therefore, direct that the respondents should pay interest at the rate of 12% from the period expiring three months from the due date, the applicant was entitled to pension. The respondents may calculate the amount and make the payment to the applicant. Interest will, however, not be payable on amounts, which has been adjusted in various advances taken by the applicant." The O.A. was partially allowed in respect of interest on the delayed payment of pension, as above, but in respect of other claims, it was dismissed. The respondents, in their reply, have stated that in pursuance of the aforesaid judgment, a sum of Rs.3,758/- has been paid on 30.7.90 as interest on delayed payment of pension. A Calculation Sheet of interest on arrears of pension paid as above, has also been filed as Annexure-2 to the counter reply. The applicant has not filed any rejoinder thereto and has also not shown to us as to how the Calculation Sheet is incorrect. Therefore, the applicant cannot be said to be entitled to any further amount as interest on delayed payment of pension.

Clerk.

3. As regards the prayer related to the commutation of pension, the main grievance is that he has been granted commutation of one-third of the amount of Rs.99/- sanctioned as monthly pension, but he should have been granted commutation on the basis of one-third of Rs.375/- per month, at which rate he is now getting the pension.

4. The applicant had filed O.A. No.1965/90 on this very subject, which was disposed of by a Bench of this Tribunal vide orders dated 30.10.90. The O.A. was dismissed as devoid of merit. Thus, the same prayer in this O.A. is barred by the doctrine of res-judicata. The declaration of the applicant in para 7 of the O.A. that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal is also not factually correct and the applicant cannot be said to have approached this Tribunal with clean hands.

5. In the light of the foregoing discussion, the O.A., being devoid of any merit, is rejected at the admission stage itself, leaving the parties to bear their own costs.

(Signature)
 (P.C. JAIN)
 Member(A)

(Signature)
 (RAM PAL SINGH)
 Vice-Chairman(J)