

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 28/h th day of November, 1997

Original Application No.827 of 1996

District : Varanasi

CORAM:-

Hon'ble Mr. D.S. Baweja, A.M.

• Keshav Prasad Son of Late Munni Lal

Resident of Town and Post Office

Maruadeeh Bazar, Varanasi.

(By Sri SK Mishra, Advocate)

. . . . Applicant

Versus

1. Union of India

Through Chairman,

Railway Board,

Rail Bhawan,

New Delhi

2. Finance Advisor,

Assistant Accounts Officer (pension),

North Eastern Railway, Gorakhpur.

3. The General Manager,

North Eastern Railway,

Through the Divisional Railway Manager,

Varanasi Division, Varanasi.

4. The Branch Manager,

Allahabad Bank,

Branch Marwa Deen, Varanasi.

(By Sri Prashant Mathur, Advocate)

. . . . Respondents

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O R D E R

By Hon'ble Mr. D.S. Baweja, A.M.

This application has been filed seeking the following reliefs:-

- (a) To issue direction to the respondents specifically respondent no.4 to make payment of the pension of the applicant already lying with the Bank.
- (b) To issue direction to the respondents to pay the entire arrears of pension of the applicant lying with the Bank w.e.f. 1-9-1993, till the date alongwith interest of 18% per annum.

2. The applicant while working as Driver Grade 'A' in Varanasi Division of North Eastern Railway, superannuated on 31-8-1993. A pension pay order No.NE/10301/206595 in two parts ^{was} issued by the Rly Admn dated 15-11-1993 and 8-13-1993 in favour of the applicant to Allahabad Bank, Main Branch Chauk, Varanasi ~~was issued~~ for payment of the pension through the Bank's Branch at Varanasi as indicated by the applicant. However, no payment of the pension was started to the applicant from 1-9-1993. The applicant contacted the Main Branch of the Bank as well as the Branch through which the pension was to be paid for non-payment and he was told that no such order has been received by them. The applicant made several representations to the concerned Bank. He also represented the matter to the Railway Administration. However, all his efforts ended in vain and finally he has to seek legal remedy by filing the present OA on 31-7-1997.

3. Respondent nos.1 to 3 of the Railway Administration have filed the counter reply. The respondents have admitted the issue of the pension pay order to the Allahabad Bank, Main Branch, Varanasi

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as indicated by the applicant at Annexures-1 and 2 and 3 of the application. The respondent nos.1 to 3 have however, contend that the responsibility of the Railway Administration is over when the pension pay order is issued and it is for the concerned Bank to arrange for payment and the applicant has to contact the concerned bank for any grievance. However, on receipt of the representation from the applicant for non-payment of the pension, a serious view was taken and immediately the concerned Bank was advised through several letters to the Bank for payment of the pension to the applicant as per the pension pay order, already issued. However, the Bank seems to have not taken any action. The responsibility for non-payment of pension lies with the concerned Bank and, therefore, the Railway Administration has no liability for any delay in payment.

4. Notice was issued to respondent no.4 i.e. the concerned Branch of the Bank through which the of the pension was to be made to the applicant. Notice was sent through registered post ^{and} was not received back and, therefore, presumption of service of the notice can be taken. In spite of several opportunities being given for filing the counter reply, no counter reply has been filed. ^{Neither the} respondent no.4 has appeared through the counsel nor in person. In view of these facts, I have proceeded ex parte against the respondent no.4.

5. I have heard Shri SK Mishra, counsel for the applicant and Shri Prashant Mathur, counsel for the respondents no.1 to 3.

6. From the facts of the case, as narrated above, there is no controversy involved which needs to be resolved. The Railway Administration has issued the

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pension pay order to the concerned Branch of the Bank for arranging payment in 1993 and the simple fact is that the Bank has not taken any action to arrange the payment of pension starting from 1-9-1993. The applicant has stated that he has made several representations and also made personal contact but the Bank has not responded with any action. The respondents nos. 1 to 3 have also averred that they have also written several letters to the concerned Bank for arranging payment, but still no action has been taken by the concerned Bank. Inaction on part of the Bank to arrange payment of pension to the applicant in spite of reminders from the concerned Department, who had issued the pension payment orders shows the careless and callous attitude of the Bank authorities, which deserves to be deprecated. The applicant has been harassed for several years without any payment and not only this, he has been forced to seek legal remedy. Keeping in view the indifferent attitude of the concerned Bank officials, it is considered that the matter needs investigation at higher level to identify the reasons for non-payment and the staff at fault should be suitably taken ^{up} so that such lapses causing harassment to the pensioners are avoided in future.

7. Keeping in view the above, the application is allowed with the direction that the respondent no. 4 will arrange monthly payment of the pension within two months from the date of receipt of the order. The payment of arrears from 1-9-1993 till the month of starting regular payment of pension shall also be paid within a period of two months from the date of receipt of the order. The applicant shall be entitled for payment of interest @ 12% per annum for the delayed

payment of pension from 1-9-1993. The payment of interest shall also be arranged alongwith the payment of the arrears.

8. As indicated earlier, the applicant has been forced to seek legal remedy for payment of his due pension for no fault of his own. He has not only been deprived of his due pension but has also been caused mental torture. In view of this, I impose costs of Rs.3,000/- to be paid to the applicant by the Bank concerned.

9. A copy of the order is to be sent to the Manager Allahabad Bank, Main Branch Chauk, Varanasi to take action as directed in para 6 above.

Dube/

S. K. Singh
Member (A)