

OPEN COURT (20)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No. 1442/1997

FRIDAY, THIS THE 10TH DAY OF JANUARY, 2003

HON'BLE MRS. MEERA CHHIBBER ... MEMBER (J)

Ghanshyam Das,
S/o Late Jarawar,
aged about 60 years,
R/o Lalkurti Bazar,
Jhansi Cantt, Jhansi.

... APPLICANT

(By Advocate Shri S.K. Mishra)

Versus

1. The Union of India, through
the General Manager,
Central Railway,
C.S.T. Mumbai (Maharashtra).

2. The Divisional Railway Manager,
Central Railway,
Jhansi. ...

RESPONDENTS

(By Advocate Shri A.K. Gaur)

O R D E R

By this O.A., the applicant has sought a direction to the respondents to pay to the applicant his monthly Pension at the rate of Rs.416/- per month after commutation with effect from 1.12.1996 with interest and to pay an amount of Rs.40,632/- after deducting Rs.12,313/- which they have already paid to the applicant on account of retirement Gratuity and Rs.26,109/- after deducting Rs.15,690/- already paid to the applicant on account of

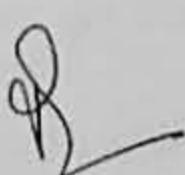
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commuted value of Pension with interest till the date of actual payment.

2. It is submitted by the applicant that he had retired on superannuation on 30.11.1996. Therefore these amounts ought to have been paid to him in the year 1996. But, the respondents have actually made the payments to him in the year 2002, which is evident from the supplementary counter affidavit. Therefore, he should be given interest on the said amounts at the prevalent rate as the applicant is a retired person and in case he had been given the amount in time, he would have deposited the same in the Bank.

3. The respondents, on the other hand, have stated that at the time of his retirement, the applicant was given Pension and Gratuity by taking 10 years as qualifying service in favour of the applicant. But, subsequently, since the matter had gone upto the Supreme Court, the entire thing had to be recalculated and since his qualifying service is being taken as 33 years, all the amounts had to be recalculated and it is only the difference on account of D.C.R.C., commuted value of Pension, etc., that was paid to him on 27.2.2002. Therefore, no interest is payable to him.

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4. The exact amount which has been paid by the respondents on 27.2.2002 is as follows:

- i) Difference of DCRG ... Rs.46,345/-
- ii) Difference of Commuted value Rs. 33,011/-
- iii) PF Rs.18,848/- and GIS Rs.2,735/- }
iv) Leave Salary Rs.20507/- } Already paid
- v) Pension (revised) Rs.1,275/- PPO
was sent to FA & CAO, CST, Mumbai,
by Senior Divisional Accounts
Officer and the same has been
received in the office of the
FA&CAO on 8.3.2002 for further action.

5. I have heard both the counsel and perused the pleadings as well.

6. It is seen that the applicant has been given much more amount than what he had sought in the O.A. as after recalculation, the amount had increased and even Pension had been revised to Rs.1,275/-. Accordingly, the fresh PPO has been issued for issuance at the revised rate of Rs.1,275/-. Since, it is only the difference of amount which has been paid to the applicant after taking his qualifying service to be 33 years, I do not think that any interest can be paid to the applicant. However, we cannot lose sight of the fact that the applicant had retired as back as in 1996 and he is an old man who would have relied only on his savings and terminal benefits which one gets after retirement. Therefore, he ought to have been given all these amounts without dragging him

to the Court of law. Now, that the respondents have given all the amounts that were due to the applicant, ~~awarding any~~ though I am not interested, but, I think it would be ~~only~~ in the interest of justice to allow a cost of Rs.2,500/- in favour of the applicant.

7. Accordingly, in view of the fact that the respondents have already released the difference of amount in favour of the applicant, the O.A. is finally disposed of with a cost of Rs.2,500/- in favour of the applicant and against the respondents.

MEMBER (J)

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