

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

CIRCUIT SITTING AT UTTARANCHAL (NAINITAL)

Nainital, this the 16th day of April, 2004.

QUORUM : HON. MAJ.GEN. K.K. SRIVASTAVA, A.M.

Rev. App. No. 41 of 2003

in

O.A. No. 21 of 2001

Smt. Krishna Sharma W/O Shri Lakshmi Chand Sharma R/O 65/17,
Rajapur Road, Dehradun.....

.....Applicant.

Counsel for applicant : Sri K.C. Sinha.

Versus

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18,
Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan,
Hathibarkala, Salawala, Dehradun.
3. The Senior Audit Officer, Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi
4. The Principal, Kendriya Vidyalaya, F.R.I., Dehradun.
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.....Respondents.

Counsel for respondents : Sri N.P. Singh.

ORDER

BY HON. MAJ.GEN. K.K. SRIVASTAVA A.M.

This review petition has been filed seeking for review of the order dated 25.4.2003 passed in O.A. No.21/01. The order dated 25.4.2003 is recalled and the following order is passed.

2. Heard Sri K.C. Sinha, learned counsel for applicant and Sri N.P. Singh, learned counsel for the respondents.
3. In the O.A., the applicant has prayed for direction to the respondents to pay 13% interest per annum for the delayed payment of pension, gratuity and commuted value of pension from the date it was due till the date of payment.
4. The applicant retired on 31.8.1998 as Trained Graduate Teacher (Sanskrit) from Kendriya Vidyalaya, F.P.I.

Dehradun. The applicant is aggrieved with the action of the respondents for delayed payment of her post retiral benefits. The applicant has alleged that the same was released by the respondents after 11 months of her retirement. Therefore, the applicant has pleaded that she is entitled for the interest at the rate of 13% which she has claimed.

5. Sri K.C. Sinha, learned counsel for applicant submitted that Rule 58 of the Central Civil Services (Pension) Rules, 1972 deals with the preparation of pension papers and Rule 59 provides for completion of pension papers. Rule 60 also deals with the completion of pension papers. In accordance with the Rule all the papers were forwarded on 29.7.99. Therefore, asking the option for bank by the Respondents is not understood. Besides the Respondents did not furnish any detail as to why the applicant was asked at such belated stage whereas as per rules, these exercises ought to have been taken before two years of the retirement and completed before the applicant retired.

6. The respondents have opposed the claim of the applicant on the ground that the delay has been caused due to the applicant's own action. She was supposed to give the State Bank of India (SBI) Account Number so that the post retiral benefits could be released accordingly. She completed this formality only on 20.3.1999 as is established from CA-I to the O.A. Thus the applicant herself delayed in furnishing the information regarding bank particulars by about seven months. The learned counsel for respondents submitted that there is no delay on the part of respondents. As soon as the applicant's bank option was received on 20.3.1999, the respondents took prompt action and settled her claim by issuing sanction memo dated 29.7.1999.

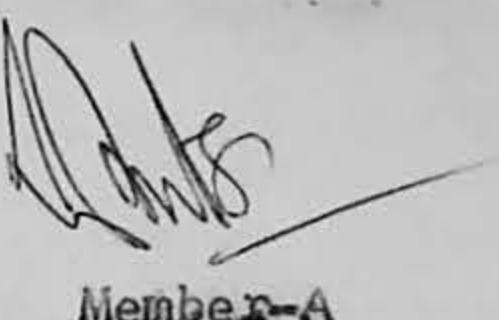
7. The perusal of CA-2 to the O.A. shows that the applicant herself had not taken timely action to complete the required documents before her retirement. In addition,

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she had made application for commutation of pension only on the last date of her retirement i.e. 31.8.1998 whereas she should have taken timely action in this regard. The applicant has failed to establish the delay on the part of respondents. Therefore, the rule position cited by the applicant's counsel is not relevant in this case.

8. From perusal of records the maximum delay which could be attributed to the respondents is one month. However since the applicant herself has been responsible for the delay in settlement of her post retiral benefits, I do not consider that she is entitled for relief.

9. In view of the above the OA is dismissed.
No costs .



Member-A

Asthana/