

08. order dated 09.02.2000

Further four weeks time is allowed to file counter. posted to 04.04.2000.

vice-chairman

9. Order dated 4.4.2000.

Member (J).

It is submitted by the

learned additional standing counsel that he will file counter today after serving copy on the other side. 4 weeks time is allowed to file rejoinder, if any, Adsd. to 15.05.2000 for completion of Pleadings.

Vice-chairman

Member (Jud.)

10. ORDER DATED 13-5-2000.

Heard Mr. N. R. Routray, learned counsel for the applicant and Mr. S. R. Patnaik, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.

In this Original Application, the applicant has come up with a prayer for granting him pension, D. C. R. G., Commuted value of pension and leave encashment as also to allow him 12% interest on the above amounts for the period of delay.

From the pleadings of the parties, the admitted position which emerges is that the applicant retired

Counter not

filed.

Pat
8/2

Bench

Counter not

filed.

Pat
3/4

Bench

Rejoinder

not filed.

Pat
12/5

Bench

dt. 15.5.2000

Mr. S. R. Patnaik

Rly Counsel is present

Mr. N. Routray submits

that there is no need

to file rejoinder. Put

up to Bench on 18.5.2000

Pat

15/5/00

REGD

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Or. 2119/5
18/5

For Admission
& Final disposal.

Bench

17/5

on 30.6.1997 and Provident Fund, and cash equivalent to unauthorised leave was allowed to him on 2.9.97 and 3.7.97 respectively. It further appears that the applicant was allowed pension in order dated 12.7.99, D.C.R.G. on 30.7.99 and commuted value of pension on 6.10.99. It is submitted by learned counsel for the petitioner that he has in the meantime, received all his retiral dues and his prayer is limited only for payment of interest on pension, DCRG and commuted value of pension. Respondents have stated that as the applicant has retired on 30.6.97 and w.e.f. 1.1.196 the 5th revised pay scale came into existence, the applicant's pay had to be fixed in the new scale the arrear amount had to be allowed and thereafter pension can be fixed. It is submitted that the applicant was advised to fillup/furnish certain particulars but he gave the same only in 1999. On the above grounds, the Respondents have opposed the prayer of the applicant for payment of interest.

We have considered the rival submissions of the learned counsel for both sides carefully. It is a fact that 5th revised scale of pay came into force w.e.f. 1.1.196 and thereafter the pay of the applicant had to be refixed in the new scale and arrear had to be allowed to him then only his pension can be given and his gratuity and other amounts can be paid. In consideration of this, we do not think that a case has been made out for allowing interest on the DCRG and commuted value of pension but in this case there has been delay of about three years for sanctioning of the final pension. During this period, the applicant should have been sanctioned provisional pension. Applicant has mentioned in his petition that provisional pension has also not been

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OA-141/99

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy of
order No-10
1-18-5-2000
given to the
both counsels.

for

24/5-

24/5/2000
S.O.

sanctioned to him. There is no averments in the counter of the Respondents that actually provisional pension was sanctioned to him.. It is submitted by Mr. Routray, learned counsel for the applicant that actually provisional pension has also not been sanctioned to the applicant.

In view of this, prayer for payment of interest at the rate of 12 per cent per annum on the amount of pension is allowed. As the applicant retired on 30.6.1997 and pension was allowed to him according to the Respondents only on 12.7.1999, he must have been given arrears of pension from 1.7.97 till 12.7.1999. On the above amount the applicant shall be entitled to get interest at the rate of 12 per cent per annum from 1.10.1997 till the date of actual payment.

Claim of interest of the applicant on the other amount, is however, no allowed.

In the result, the Original Application is partly allowed in terms of the observations and directions made above. No costs.

Vice-Chairman

Janak
Member (Judicial)