

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 22 OF 2001
Cuttack, this the 15th day of November, 2001

Madhab alias Madhab Sahoo Applicant

Vrs.

Union of India and others ... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes
2. Whether it be circulated to all the benches of the Central Administrative Tribunal or not? No.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
15.11.2001

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 22 OF 2001
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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

.....
Madhab alias Madhab Sahoo, aged about 61 years, son of Subasi Sahoo, village Baligar, P.O-Haridaspur, P.S-Dharmasala, District-Jajpur, retired Sr.Gangman, under P.W.I., Jajpur, S.E.Railway, Khurda Road

..... Applicant

Advocates for applicant - M/s N.R.Routray
S.N.Mishra

Vrs.

1. Union of India, represented by the G.M.(P), S.E.Railway, Garden Reach, Calcutta-43, West Bengal.
2. FA&CAO(Pension), S.E.Railway, Garden Reach, Calcutta, West Bengal.
3. Divisional Railway Manager, S.E.Railway, Khurda Road Division, At/PO/PS-Jatni, District-Khurda.
4. Sr.D.P.O.(Sett.), S.E.Railway, Khurda Road Division, At/PO/P.S-Jatni, District-Khurda.
5. Sr.Divisional Accounts Officer (Admn.), S.E.Railway, Khurda Road, PO/PS-Jatni, District-Khurda.

..... Respondents

Advocate for respondents - Mr.P.K.Mishra
Railway Advocate

• O R D E R
SOMNATH SOM, VICE-CHAIRMAN

In this O.A. the petitioner has prayed for a direction to the respondents to pay him revised DCRG with 12% interest from the date of entitlement to the date of actual payment. He has also prayed for

arrear pension from 1.6.1997 with 12% interest. The respondents have filed counter opposing the prayer of the applicant, and the applicant has filed a rejoinder. The respondents have filed a reply to the rejoinder with copy to the other side and I have perused the pleadings of the parties. I have also heard Shri N.R.Routray, the learned counsel for the petitioner and Shri P.K.Mishra, the learned Railway Advocate for the respondents.

2. For the purpose of considering the petition it is not necessary to go into too many facts of this case. The applicant joined the Railways on 24.2.1966 and retired as Senior Gangman on 31.5.1997. After his retirement he got DCRG of Rs.26,157/- and commuted value of pension of Rs.16,569/- and his pension was fixed at Rs.398/- in the pre-revised scale. After coming into force of the Fifth Pay Commission pay scale from 1.1.1996, the applicant became entitled to re-fixation of his pay in Fifth Pay Commission pay scale ~~henceforward~~ and consequently to revised ^{commuted} value of pension and differential amount of DCRG. From the pleadings it appears that during the pendency of this O.A. the petitioner has received the differential DCRG amounting to Rs.18, 385/- on 19.4.2000. It has been submitted by the learned counsel for the petitioner that the differential commuted value of pension amounting to Rs.44,499/- has also been received by him. It is submitted that the arrear pension which has now been fixed at Rs.1275/- has not been received by the applicant. The respondents in their reply to the rejoinder have stated that revised pension payment order

dated 24.1.2000 authorising revised pension at Rs.1275/- less the amount commuted, has been issued on 24.1.2000. But the applicant states that the arrears of pension and revised pension have not been received by him. In the context of the above facts, the sole point for considerastion is whether the applicant is entitled to interest on the differential DCRG, revised pension and arrears of pension.

3. The respondents have stated in their counter that after the orders were received accepting the recommendation of the Fifth Pay Commission and introducing the Fifth Pay Commission pay scales the case of revision of pay scale was taken up. As there were nearly fourteen thousand employees in the Division, fixation of their pay in the revised pay scale took lot of time. After completion of the work relating to serving employees, the work relating to the employees who had retired or expired on or ~~about~~ ^{after} 1.1.1996 was taken in hand. Such persons number more than one thousand and therefore cases were taken up according to their date of retirement or date of death, as the case may be. All this took time. The respondents have stated that delay in the present case was because of bunching of a large number of cases at the same time and accordingly, they have opposed the prayer for payment of interest either on differential DCRG or on pension.

SJM

4. I have considered the submissions made by the learned counsel of both sides carefully. Admittedly, the applicant after retirement is staying at Dhanmandal and is getting his pension through locasl branch of Indian Overseas Bank at Dhanmandal. The

applicant's case is that he has not got the arrears of revised pension. The respondents have stated that the Manager of Indian Overseas Bank, Link Road Branch, Cuttack, has been authorised on 24.1.2000 to pay revised pension. As the applicant has stated that he has not received the arrear pension, obviously this has been held up at Bank's level. The respondents cannot deny their liability for delay at the Bank's level because the applicant is not getting his pension from Link Road Branch of Indian Overseas Bank. It is submitted by the learned counsel for the petitioner that the Finance Office at Headquarters has an account with the Link Road Branch of Indian Overseas Bank and it is for the Link Road Branch to authorise payment of arrears of pension to their Branch at Dhanmandal. By taking the above stand, the respondents cannot disown their liability for the delay. On the other hand, it is also to be noted that the revision of pension was occasioned because of introduction of Fifth Pay Commission pay scale with effect from 1.1.1996. This order came in September 1997 after the applicant had retired. But once the payment of pension was revised in order dated 24.1.2000 it was incumbent on the respondents to ensure that the payment is made. Advice from the Link Road Branch of Indian Overseas Bank to the Indian Overseas Bank at Dhanmandal should not have taken more than two months. In view of this, I direct that the respondents should ensure payment of the arrear pension and revised pension to the applicant through the Branch of Indian Overseas Bank at Dhanmandal within a period of thirty days from the date of receipt of copy of this order. It is also ordered

3.10.2000

that from 1.4.2000 till the date of actual payment of the revised pension and arrear pension, the applicant would be entitled to interest at 12% per annum on the arrears of revised pension. This interest amount should be paid to the applicant within a period of three months from the date of receipt of copy of this order.

5. As regards payment of interest on the differential DCRG, as the respondents had to take up a large number of cases for revision of pensionary entitlement, the delay in this regard would not entitle the applicant to any interest. The prayer for interest on the differential DCRG is accordingly rejected.

6. In the result, therefore, the O.A. is disposed of with the observation and direction above. No costs.

Somnath Som
(SOMNATH SOM)
15.11.2001
VICE-CHAIRMAN

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