

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 8.4.04

Applicant is absent on call. Ld. A.S.C prays for further time to file counter. Heard. No counter has been filed even after availing last chance. No further time will be granted. Hence, prayer is rejected.

Put up the matter before Bench on 21.4.04 for further orders. Counter, if any, be filed in the meantime.

8/4/04
REGISTRAR

Counter not filed.

MY
20/4/04

Bench

Counter not filed. Copy served. For further orders.

Bench

MY
27/4/04

MY
7/5/04

For admission and hearing.

Bench

MY
20/5/04

For admission and hearing.

2) Registrar filed. Copy not served.

3) M.A. 425/04 by app. order. Copy not served.

Bench

the Respondents and hand over free copies of this order to the Ld. Counsel appearing for both the parties.

MEMBER (JUDICIAL)

Dt. 28.7.04.

Call it on

11.08.04.

Vice-Chairman.

11.08.04

Mr. Achintya Des, Ld. Counsel for the applicant - is an accommodation.

Call on 18.08.04.

Vice-Chairman.

Order dated 18.8.04

Smt. Y.B. Sarojini has filed this O.A. being aggrieved by the delay that has taken place in revising the amount of family pension payable to her on the recommendation of the 5th pay commission. Accepting the recommendation of the 5th Pay Commission, the Government of India Ministry of Personnel Public Grievance and Pension had, by their order dated 10.02.98 (Annexure-A-7), notified the decision of the Government that the Pension/family pension of all pre-1986 pensioners/family pensioners who were in receipt of pension/family pension.

NO. 505/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

1) For admission and hearing.

2) Rajinder Bited Copy ~~not~~ served.

3) M.A. 425/01 by appx. order. Copy ~~not~~ served.

Branch

MY
29/6/01

1) For admission and hearing.

2) M.A. 425/01 by appx. order. Copy served.

Branch

MY
6/12/01

Copy of order M.A. 77/01 issued to all the respondents by posts. The same copy of order issued to the Council for both side.

as on 01.01.86 under Liberalised Pension Rules, 1950/CCS(Pension Rules, 1972) would be entitled to notional fixation of their pay as on 01.01.96 by adopting the same formula as for the serving employees and thereafter for the purpose of consolidation of their pension/family pension as on 01.01.96 alike those who have retired on or after 01.01.96. The grievance of the petitioner is that the Respondents have not taken any action to revise her family pension, although she had submitted an application to the Senior Divisional Personnel Officer, South Eastern Railway (Settlement), Kharagpur, ^{to that effect.} She has therefore approached the Tribunal with a prayer to issue direction to the Respondents to update the family pension payable to her as per rules and make payment of arrears thereof with interest at the rate of 13% per annum.

2. The Respondents by filing a counter have explained the delay in revising her family pension. The delay was caused because of a large number of cases of pensioners numbering about 7000 pension/family pension cases ^{which} had to be reviewed. The delay also occurred on account of the fact that revision of pension/family pension in respect of running staff (her deceased husband belonged to this category) had to await the final decision of the Railway Board regarding counting of running allowance for the purpose of pension and that the decision was received only in July 1999. However, they have since revised the family pension for the applicant and have also drawn the arrears of gratuity and commuted value of pension and the payments have also

Signature
S. D.

MY
15/1/02

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For admission and
hearing.

MF
27/7/04

Bench

For admission and
hearing.

MF
10/8/04

Bench

For admission and
hearing.

MF
17/8/04

Bench

been affected into the Bank account for the applicant, by their letters dt. 23.10.02 and 31.10.03. It has also been disclosed by them that the applicant was informed of the same vide letter dt. 15.10.04 and the Personnel Inspector was deputed to her residence to hand-over a copy of the PPA. They have opposed the prayer of the applicant for payment of interest

3. I have heard the Ld. Counsel for both the sides. The Ld. Counsel for the applicant repeatedly stressed the point that delay of four years was too long a period and the applicant, who is a poor pensioner, is entitled to be compensated for the delay. On the other hand, the Ld. Counsel for the Respondents drew my notice to Rule 87(4) of Railway Pension Rules, 1993 and submitted that no interest on the arrears of gratuity is payable.

4. I have carefully considered the argument of both the sides with regard to the delay caused in payment of revised pensionary benefit to the applicant. Admittedly, there was delay in effecting payment. However, as the Rules do not provide for payment of interest on gratuity, the claim of the applicant to that extent is not tenable. However, regarding payment of interest on pension as disclosed by the Ld. Counsel for the Respondents, ^{it has been disclosed} They had to revise about 7000 pre 1936 cases which involved lot of clerical work and for this additional work no extra hand was sanctioned by the government. ^{NO} There was not be any doubt that the task at hand was not simple, that some delay was not avoidable. However, that

7 MA 585/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Copy 2 order dt. 18/8/07
forwarded to the Consul
for both side

S.O:

My
30/8/07

does not make a case for payment of interest on pension because revised pension was not a pre-determined condition of service. It is also not the case of the applicant that delay was caused due to malice. Hence, no case of civil liability is made out.

5. In view of the foregoing, I am unable to persuade myself to grant the relief of payment of interest on the arrear of pension. This O.A. is disposed of accordingly. No costs.


Vice-Chairman 18/8