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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.174 of 2008
Cuttack, this the 11th day of March, 2009

Braja Bandhu Sahu Applicant
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?

(C.R. MOHAPATRA)
MEMBER (ADMN.)

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O.A.No.174 of 2008

Cuttack, this the 11th day of March, 2009

C O R A M:

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

Shri Braja Bandhu Sahoo-II, Retd. SPM, S/o.Late Arakhita Sahoo, At-Plot No.4696, Adimata Colony, Post-Mancheswar Railway Colony, Bhubaneswar-17, 753017, Dist.Khurda, Orissa.

.....Applicant

By Advocate: Mr.P.K.Padhi.

- Versus -

1. The Union of India represented through its Secretary cum Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. The Chief Postmaster General, Orissa Circle, At/Po.Bhubaneswar, Dist. Khurda 753 001.
3. The Director of Accounts (Postal), At-Mahanadi Vihar, Post. Naya Bazar, Dist. Cuttack 753 004.
4. Sr. Superintendent of Post Offices, Bhubaneswar Division, Bhubaneswar 751 009.

....Respondents

By Advocate :Mr.S.Barik, ASC.

O R D E R

MR. C.R.MOHAPATRA, MEMBER (A):-

Applicant, a retired Postmaster, by filing this Original Application sought direction to the Respondents to release his commuted value of pension, gratuity of Rs.1000/- and final PPO. His further claim is that the commuted value of pension and withheld amount of gratuity being the retirement dues is not a charity or bounty payment which can be dependent on the sweet

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will of the employer as was thought during British days but is a deferred portion of compensation of the past service of the retired employee. As such, since the delay was due to intentional and deliberate culpable negligence of some of the officials he is entitled to penal interest on the entire amount @ 18% per annum which shall be recoverable from the officials responsible for such delay.

2. Respondents by filing counter virtually admitted that the delay was due to wrong information provided at some quarter. It has been stated that Applicant retired, on reaching the age of superannuation on 30-11-2006. As per sub rule 4 of Rule 61 of CCS (Pension) Rules, 1972 instead of submission of pension paper six months prior to the date of retirement the pension paper of the applicant was received by Respondent No.3 only on 1.11.2006. As there was discrepancy in the matter of fixation and stepping up of pay of applicant, Respondent No.3 in letter dated 7.11.2006 sent the matter to the Respondent No.4 for necessary confirmation/clarification. Respondent No.4 complied with the objection on 23.11.2006 and after detailed calculation of the terminal benefits; Respondent No.3 issued Accounts Enfacement on 26.12.2006. Provisional Pension and gratuity amounting to Rs.2,44,850/- keeping Rs.1000/- as per sub rule 4 of Rule 64 of

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CCS (Pension) Rules, 1972 was sanctioned in favour of the Applicant on 23.11.2006 by the Respondent No.4.

3. In the letter dated 04.06.2007, the Respondent No.4 intimated that the Supdt. Of Vigilance, Bhubaneswar forwarded a draft charge sheet for major penalty against the applicant. However the Director Postal Services, Bhubaneswar in letter No. PG/RTI/Appeal-12/2008 dated 17.04.2008 has informed that no proceeding either departmental or judicial was pending against the applicant at the time of his retirement. Based on the said report final PPO, authority or commutation and authority for withheld amount of DCRG of Rs.1000/- was issued to the Respondent No.3 vide letter under Annexure-R/8, R/9 and R/10 respectively. It has further been stated in the counter that since departmental proceeding was pending against the applicant for which he was not issued final pension and commutation of fraction of his pension. However on receipt of a report regarding non-pending of departmental or judicial preceding against the applicant all dues admissible to him as per rules have already been sanctioned and paid to the applicant. Further it has been stated that there is no provision in the rules for payment of interest on commuted value as it is not an obligatory payment. Commutation is an additional benefit advanced to the willing pensioner who applies for

commutation of a portion of his pension for 15 years in lieu of a lump sum amount being deducted from the total amount of pension sanctioned. Since the applicant was drawing full admissible pension till he is paid the commuted value the question of payment of interest does not arise. In view of the above the Respondents have prayed for dismissal of this OA.

4. Heard Learned Counsel for the Respondents and perused the materials placed on record.

5. In this OA the claim of applicant is for payment of interest on the commuted value of pension applied for by him while submitting his pension papers which were not sanctioned in his favour. His further claim of interest is on the withheld DCRG amount of Rs.1000/-. It is not the case of the Applicant that due to non-issuance of final PPO he was deprived of a portion of the pension amount at one hand and on the other hand he was deprived of getting the commuted value of pension and that had it been sanctioned at the right time, he would have kept the amount in any of the nationalized Banks and the amount would have generated interest. According to the Respondents the applicant was getting the pension which he was entitled to. Had he been sanctioned the commuted value of pension he would have been deprived of getting some portion of the pension. Since the amount

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was with the applicant question of payment of interest on the commuted value of pension does not arise. Similarly, according to Respondents Rs.1000/- was withheld from the gratuity amount as per rules pending clearance of any amount due to the department.

✓ Due to non-receipt of correct picture in regard to the pendency of disciplinary or criminal case against the applicant delay in making payment of both the gratuity amount of Rs.1000/- as also commuted value of pension was made.

6. I do not see any intentional or deliberate culpable negligence in the matter of payment of the amount. I also do not see any justification for awarding interest; especially when except Rs.1000/- no other retirement dues of the applicant were withheld by the Respondents. Had he been sanctioned the commuted value of pension he would have been deprived of a fixed portion of amount from his pension every month but he was enjoying the said amount every month till the amount was sanctioned. Hence in my considered view the Applicant is not entitled to any of the reliefs claimed in this OA.

7. Accordingly, this OA is held to be without any merit and is accordingly dismissed. No costs.


(C.R. MOHAPATRA)
MEMBER (ADMN.)