

In the Central Administrative Tribunal
Calcutta Bench

MA 121 of 1999
OA 266 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Ministry of Coal

- VS -

Dwijendra Nath Naskar

For the Applicant : Mr. B.K.Chatterjee, Advocate

For the Respondents: Mr. S.M. Mookherjee, Advocate

Heard on : 12-5-99

Date of Judgement : 12-5-99

ORDER

Respondents opposite party filed this petition seeking extension of time for another three months to finalise the payment of pension of the applicant respondent as per direction passed by this Tribunal on 22.9.98 which has been amended subsequently order dated 29.10.98. Ld. Advocate Mr. Chatterjee submits that there is some mistake in respect of number of the pension Account maintained in the Bank. Inadvertantly the number of the Account was written as P/1921 in place of P/192 and that has been subsequently corrected by the authority. But he failed to produce any scrape of paper before this Tribunal to-day that wrong account No. quoted in the lettee No.Estt./2/188/DN Naskar/98/99/21 dated 8.4.99 has been corrected by the authority.

2. Ld. Advocate Mr. Mookherjee, appearing on behalf of the applicant respondent, submits that actual account No. would be P/192, not P/1921 as erroneously mentioned by the authority. He also submits that due to such intentional mistake the applicant respondent did not get his pension till date and has been facing

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financial hardship for want of pension. Thereby, he is entitled to get interest in view of the order dated 29.10.98 which has been received by the respondents opposite party on 10.11.98.

3. Ld. Advocate Mr. Chatterjee on behalf of the respondents opposite party submits that there is no intentional mistake as alleged by the Ld. Advocate Mr. Mookherjee. Thereby, three months' time may kindly be granted to the respondents opposite party w.e.f. 9.3.99 for implementation of the judgement.

4. I have considered the submissions of Ld. Advocate of both the parties. I find that the respondents opposite party wanted to implement the judgement by way of payment of pension as advised; but due to some mistake in respect of Bank Account No. in the name of applicant for drawing pension, the pension could not be paid. But fact remains that for such mistake ^{The} applicant respondent cannot be held responsible and he suffered. So, such mistake is not excusable. In a recent case of Dr. Uma Agarwal (Writ Petition (Civil) No. 71/98) the Hon'ble Apex Court holds that the right of interest accrues on the delayed payment of pension. In view of the aforesaid judgement of the Hon'ble Supreme Court, I am of the view that the applicant respondent is entitled to get interest at the rate of 12% from the date of due payment till payment is made and in order to give effect to the said order in toto, I direct the respondents opposite party to send a responsible officer to the Bank in question to ensure that the payment has been made as per order of the Tribunal and there should not be any unnecessary harassment to the pensioner in future. With this observation, I allow the respondents three months' time w.e.f. ^(12.5.99) 12.5.99 i.e. from the date of application for implementation of the judgement in toto. Accordingly, application is disposed of.

[Signature]
(D. Purkayastha)
Member(J)