

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

DATE OF ORDER : 28.10.1998.

ORIGINAL APPLICATION NO. 270/1997

O.P.Varshney S/o Late Shri Misri Lal, Aged 62 years, R/o C/o Radhey Krishna Dairy, Subhash Chowk, Borana Poll, Ratanada, Jodhpur, retired Chief Signal Inspector from the office of Divisional Railway Manager, Northern Railway, Jodhpur.

..... APPLICANT.

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur.
3. The Divisional Personnel Officer, DRM's Office, Northern Railway Jodhpur.

..... RESPONDENTS

.....
Mr. S.K.Malik, counsel for the applicant.
Mr. S.S.Vyas, counsel for the respondents.

.....
CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

.....

BY THE COURT :

The applicant has filed this O.A. with the prayer that the respondents be directed to fix the pension of the applicant as per the last pay drawn by the applicant as shown in letter of Fixation of Pay Annex. A/1 dated 6.9.1996 w.e.f. 1.6.1993. He has further prayed that arrears on account of re-fixation of pension be directed to be paid to the applicant along with interest at the rate of 24% per annum. The applicant has also prayed that the respondents be directed to re-calculate the terminal benefits i.e. DCRG, /Commutation Pension payable to the applicant on the basis of pay fixation and revised pension and difference be paid alongwith interest at the rate of 24% per annum.

27/10/98

2. Notice of the O.A. was issued to the respondents who have filed their short reply stating therein that the difference amount of DCRG and commutation has been paid to the applicant vide letter dated 22.7.1998 (Annex.R/1), pension has been revised and revised P.P.O. would be issued shortly, therefore, the Original Application be disposed of as having become infructuous.

3. I have heard the learned counsel for the parties and gone through the file. Today, the learned counsel for the respondents has produced a photo copy of order passed by the Divisional Accounts Officer, Northern Railway, Jodhpur, dated 1.9.1998 which has been taken on record and marked as Annex.R/2. This order is regarding revised pension payable to the applicant and family pension payable to the wife of the applicant in case of applicant's death.

4. The learned counsel for the applicant seeks time to confirm from the applicant whether he has received the revised P.P.O. as claimed by the respondents but this prayer is refused. It is believed that the applicant must have received the P.P.O. because it was sent to him through his Bank from which he is drawing his pension at Mathura.

5. The learned counsel for the applicant has argued that inspite of passing order Annex.A/1 on 6.9.1996, the respondents have almost taken two years in finalising the retiral benefits as per the revised pay and the difference of retiral benefits has been paid belatedly for which the applicant deserves to be compensated by way of grant of interest. He also has prayed for grant of interest on difference amount of pension payable as per the revised P.P.O. On the other hand, the learned counsel for the respondents has submitted that applicant is not entitled to interest on the difference amount of retiral benefits and arrears of pension because the case was old and the department was required to look into the record and seek sanction from the higher authorities and then pass appropriate orders. Therefore, the time taken in disbursing the retiral benefits is reasonable.

6. I have considered the rival arguments. The applicant retired on 31.5.1993. He was not given promotion because of pendency of DAR case but it is not clear as to when this DAR case came to be finalised. However, the respondents at their own fixed the pay of the applicant on the basis of proforma promotion by order dated 6.9.1996, Annex.A/1,

therefore, it was for the department to take immediate necessary action for refixation of all pensionary benefits including revised pension so that applicant ^{could} receive the same promptly but the department did not take any action in this regard. The applicant made a representation after lapse of four months on 6.1.1997 (Annex.A/2) for payment of difference of pensionary benefits and re-fixation of pension etc. Inspite of this representation no action was taken by the department in this regard, therefore, the applicant was compelled to file the present O.A. on 11.8.1997, notice of which was served on the respondents some times in the month of September 1997. The respondents have fixed the revised pensionary benefits of the applicant almost one year after the service of the notice. Therefore, in my opinion the time taken by the respondents in re-calculating the pensionary benefits and issuing revised P.P.O. cannot be treated to be a reasonable time. After the order Annex.A/1 dated 6.9.1996 was passed the department could take three to four months in fixing and revising the pensionary benefits and the pension as per the proforma fixation of pay but delay of two years cannot be categorised as reasonable delay. Therefore, in my opinion, the applicant is entitled to interest at the simple rate of 12% per annum on the difference of pensionary benefits and arrears of pension from 7.12.1996 i.e. the date on which three months had expired after passing the impugned order (Annex.A/1) till the payment was actually made to the applicant in respect of DCRG, Commutation and arrears of pension on account of re-fixation of pension.

7. The respondents are given 3 months to comply with the order. The O.A. stands disposed of accordingly. No order as to costs.

28/10/98
(A.K.MISRA)
Judicial Member

.....

Rec'd
10/11/98

Rec'd
10/11/98

Part II and III destroyed
in my presence on 10/11/98
under the supervision of
section officer () as per
order dated 26/11/98

Section officer (Record)