

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 141 / 2003

Date of decision: this the 4th day of February, 2004

CORAM:

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. G.R. Patwardhan, Administrative Member

Gurnam Singh s/o Gurmukh Singh, by caste Greval, aged about 86 years, r/o VPO Norangwal, Distt. Ludhiana. Retired from the office of Divisional Manager Rly, Bikaner as Guard A.

...Applicant.

(Rep. By Mr. K.S. Yadav, counsel for the applicant)

v e r s u s

- (1) Union of India through The General Manager, Northern West Railway, Jaipur.
- (2) The Divisional Railway Manager, North West Railway, Bikaner
- (3) The Divisional Account Officer, North West Railway, Bikaner
- (4) The Divisional Personnel Officer, North West Railway, Bikaner

.....Respondents

(Rep. By Mr. N.K. Khandelwal, counsel for the respondents)

ORDER

PER J.K. KAUSHIK, JUDICIAL MEMBER

Shri Gurnam Singh has filed this Original Application with the following prayer:

"It is, therefore, humbly and most respectfully prayed that this Original Application may kindly be allowed and the respondents may kindly be directed to pay the arrears of pension in consequence of revision of pension by order dated 11.2.2000 which works out to Rs. 96,325/- along with interest @ 18% per annum from the day as and when it became due."

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2. With the consent of the learned counsel for the parties, the arguments were heard for final disposal of this case at admission stage and we have bestowed our earnest consideration to the pleadings and the records of this case.

3. The factual panorama leading to filing of this case is that the applicant retired from service on superannuation w.e.f. 31.10.75 while holding the post of Guard A in the office of 2nd respondent. He was issued with a PPO and has been drawing his pension. The pension so fixed did not include the add-on-element of 75% of running allowance and he was granted the pension @ Rs. 268/- instead of @ 345/- i.e. it was short by Rs. 76.20. There were lot of litigation on the issue which came to be finally set at rest by the Supreme Court in favour of the employees. The claim of the applicant was partly allowed by the respondents and his pension was revised from Rs. 215 to Rs. 276 vide communication at Annexure A/1 but without any arrears. He made representations in the matter but with no fruitful result. The Original Application has been filed on diverse grounds narrated in para 7 and its sub-paras.

4. The respondents have resisted the case and have filed an exhaustive reply to the Original Application. It has been averred that a revised PPO had already been issued but the applicant has concealed the same. The defence of the respondents as set out in the reply is that the applicant was granted his due pension as per rules in force. The same was revised in pursuance with the



judgement of the Supreme Court vide PPO at Annexure R/1.

The applicant had chosen a wrong forum and approached the District Consumer Forum instead of this Tribunal. The necessary orders were given to the disabusing authority for payment of due arrears to him. It was for the applicant to approach to his pension disbursing authority for release of the same and the Original Application is misconceived and not maintainable.

5. A short rejoinder has been filed wherein it has been mentioned that the applicant has disclosed the fact regarding the revision of pension and there is no concealment of any material facts. It has been averred that the pension disbursing authority made correspondence with the respondents in the matter and have started paying the due amounts on receipt of the authorisation letter dated 10.11.2003 (A/5). The reply is categorised as misconceived.

6. The learned counsel for the parties have reiterated their pleadings and our attention was invited towards annexure A/5 wherein the details of the due arrears payable to the applicant have been indicated. The material facts are not in dispute. It is true that revised PPO was issued on dated Feb 99 but the due arrear has been worked out vide letter dated 10.11.2003 and probably for want of details the Pension Disbursing authority could not disburse the arrears to the applicant. This aspect is also evident from the factum of correspondence made by the said authority with the respondents. There the whole episode is



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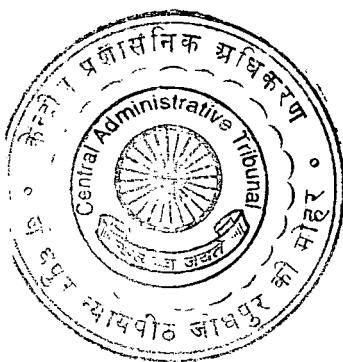
the result of inaction on the part of respondents and no fault can be fastened to the applicant.

7. The main issue stands resolved and does not require any adjudication. The only question remains to be decided is regarding the payment of interest of the due arrears on account of delayed payment made to the applicant. We find that there has been delay in making payment of the arrears on account of revision of pension to the applicant. In the facts and circumstances, no fault can be found either with the disbursing authority or the applicant. Otherwise also, the respondents can not escape their primary responsibility since the pension disbursing authority is only an agent of the respondents. The inescapable conclusion would be that there is substance in the submissions of the applicant that due interest should be paid to the applicant and the same has our concurrence.

8. In the premises, the Original Application has ample merit and stands allowed in part. The respondents are directed to make payment of interest @ 8 % p.a. on the arrears of amount on account of revised pension fixation vide PPO dt. Feb 99 for the period from 11.12.2000 to 18.11.2003. This order shall be complied within a period of three months from the date of receipt of a copy of this order. However, the parties shall bear their own costs.

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(G.R. PATWARDHAN)
Adm. Member

J.K. KAUSHIK
(J.K. KAUSHIK)
Judl. Member



Part 4 and 5 destroyed
in my presence on 23/10/13
under the supervision of
Section Officer () as per
order dated 18/10/13

J. B. Singh
Section Officer (Records) 23.10.2013

Rec
23/10/13

Anslet
29/3/04