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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

ORIGINAL APPLICATION NO. 231/2005

Date of order: 19.12.2005

CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

Himmat Ram S/o Shri Hira Lalji, aged 81 years, retired from CIV/MTD/GI, 32 Wing Air Force Station, Jodhpur R/o Thalion Ka Bas, Inside Sojati Gate.

....Applicant.

(Miss. Usha Tanwar, Counsel for the applicant.)

VERSUS

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Air Commanding Officer, 32 Wing, Air Force, Jodhpur.
3. Chief Controller of Defence [AC Pension] Dropadi Ghat, Allahabad (Uttar Pradesh)

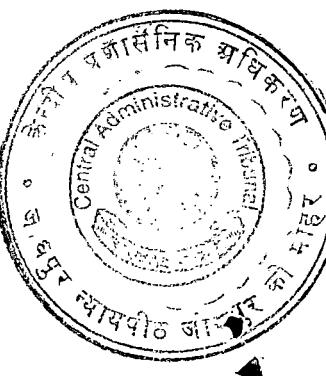
....Respondents.

(Mr. M Godara proxy counsel for Mr Vinit Mathur, counsel for the respondents.)

ORDER

Per Mr. J.K. Kaushik, Judicial Member

Shri Himmat Ram has filed this Original Application under Section 19 of the Administrative Tribunals Act with the prayer that his pension may be revised as per the recommendations of IVth and Vth Pay Commission along with the interest on the arrears at the rate of 18% per cent.



2. With the consent of learned counsel for both the parties, the case was taken up for final disposal at the stage of admission; keeping in view the urgency of the matter. I have accordingly heard both the learned counsel for the parties and have very carefully perused the records and pleadings of this case.
3. The factual matrix of this case as emanated from the pleadings of the parties indicates that the applicant retired on attaining the age of superannuating from the post of Civil Mechanical Transport Driver (CMTD) on 1.5.1982. He was allowed the pension but due revision of the pensions were not allowed to him despite the fact that he fulfilled

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the eligibility criteria for revision of pension in a case of Pre-1986 pensioners/family pensioners as well as in terms of O.M. dt. 10.02.1998. He made lot of correspondence with the respondent department for necessary action but of no avail and finally he sent a legal notice to the respondents and the desired relief was not granted. Applicant has filed the Original Application on numerous grounds.

4. As regards the variances in the facts, the applicant submitted his application to the PCDA (P), Allahabad directly, whereas he was required to take up the matter with PCDA (P), Allahabad through the Pension Disbursing Authority, Jodhpur and, therefore, he was advised by the PCDA (P) to submit his application for revision of pension through proper channel. Subsequently he has applied through proper channel and accordingly vide PPO dt. 19.10.2005, the pension of the applicant has been revised to Rs. 1911/- as per the recommendation of Vth CPC and, therefore, this Original Application has rendered infructuous.

5. Both the learned counsel for the parties has reiterated the facts and grounds pleaded in their respective pleadings. The learned counsel for the applicant has emphasized that the applicant should be allowed the due interest on the amounts of arrears on account of revised pension till the date of actual payment and as well as heavy costs should be imposed on the respondents for the delay which is solely attributable to them. On the other hand, the learned counsel for the respondents has submitted that the Original Application has rendered infructuous and as far as question of paying any interest of costs is concerned, it is the applicant who is responsible for the whole episode and the delay has been caused by the applicant himself as much as applicant did not submit his application through proper channel and that is the sole reason for the delay. The applicant

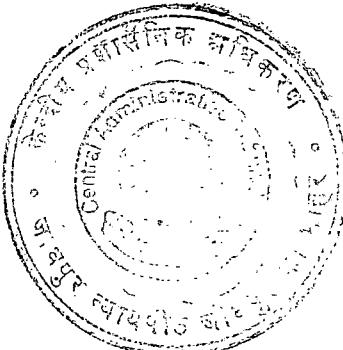


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should thank himself and no fault could be fastened with the action of the respondents.

6. I have considered the rival submissions put forth on behalf of both the parties. The subject matter of this case involves revision of the pension. The pension has been held to be one of the rights to property and it is no more a bounty. The money, which was to be paid to the applicant, has remained in possession of the respondents. Therefore, the applicant was deprived of the use of the same. It is not the case of the respondents that it was the applicant who was in any way required to apply for revision of pay. The pension as a matter of fact is to be revised automatically whenever any revision takes place on the basis of recommendation of the pay commission. I am impressed with the submission of the learned counsel for the applicant that there was no fault on his part and there is substance in the same.

7. In the premises, while the Original Application has rendered infructuous as far as the question of grant of revision of pension is concerned, but as regards the question of interest and costs is concerned, the respondents shall pay the interest on the arrears of the amount on account of revision of pension payable to the applicant in pursuance with Annexure R/1 @ 8% per annum from the date the amount became due and till the date of actual payment. Costs made easy.


J.K. Kaushik
(J.K.Kaushik)
Judicial Member

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Part II and III destroyed
in my presence on 21/11/14
under the supervision of
Section Officer 1 as per
order dated 18/12/13

AM

Serial Officer (Recd)

21/11/14

Recd

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21/12

Copys of order sent
to AM by Speed post
Pegor to Viale 4.

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