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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 178/2010

Date of decision: 7.9.2011

**CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)**

B.L. Sahu s/o late Shri Raghuveer Singh, aged about 64 years, r/o 70A01, Jawahar Nagar, Meera Marg, Srigananagar official address Retired Additional Commissioner of Income Tax, Jodhpur.

..... Applicant

Mr. Kamal Dave, Counsel for the applicant.

Versus

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, Govt. of India, New Delhi.
2. The Pay and Accounts Officer, Central Pension Accounting Officer, Ministry of Finance, Govt. of India, Trikutt-II Complex, Bhikaji Ka Place, New Delhi-110066.
3. Zonal Account Officer (Central Board of direct taxes) Central Revenue Building, Statue Circle, Jaipur 302055.

..... Respondents

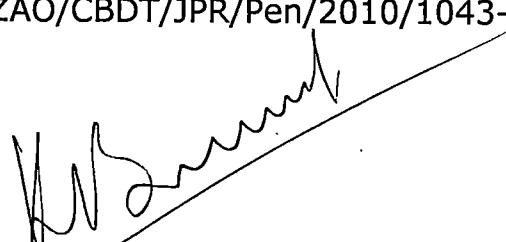
Mr. Varun Gupta, counsel for the respondents.

ORDER

Per Dr. K.B. Suresh, Member (Judicial)

Heard both the counsels and examined the pleadings.

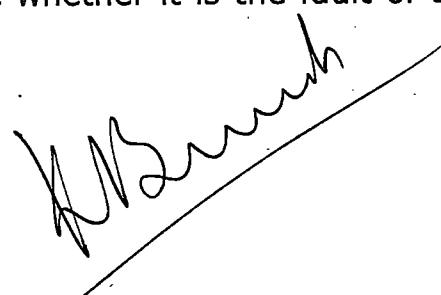
2. The primary cause of the applicant would be satisfied with Office letter No. ZAO/CBDT/JPR/Pen/2010/1043-47 dated



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28.6.2010. The learned counsel for the respondents would rely on Annexure R/1, which is O.M. No. 38/37/08-P&PW (A). Pt. 1 dated 14.10.2008 issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners' Welfare. Sh. Gupta, learned counsel focused our attention to paragraph 3 which says that the pensioner will be disbursed the pension in accordance with the ready reckoner and also the additional pension to old pensioners/family pensioners (wherever the date of birth is available in the PPO) within a week from the date of issue of that O.M. i.e. 14th October, 2008.

But, applicant would contend that Annexure R/3 was issued on 29.12.2009 to the State Bank of India, Katcheri Branch, Jodhpur, and, thereafter, after the filing of the O.A., the advice was reiterated in terms of O. M. No. 38/37/08-P&PW (A). Pt. 1 dated 14.10.2008 in respect of CBDT/JPR/OA No. 178/2010-11/1528,29 dated 12.8.2010, and therefore the eligibility of the applicant to receive the interest during the interregnum period cannot be disputed. The only point, according to the learned counsel for the respondents is whether the interest has to be paid by the department concerned, or by State Bank of India, Jodhpur Branch. We leave it to the 3rd respondent to engage the Bank in this regard and decide the eventuality of burden of interest. The amount available to the applicant shall be calculated and paid to him within 2 months next, and 3rd respondent is to decide whether it is the fault of the respondent



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or the fault of the Bank in not issuing the pension ^{as} above at correct time, and he shall also inform senior officers as to what action is to be taken against the concerned person. The interest at the applicable rate shall be calculated by the 3rd respondent ~~he~~ and shall ^{be} made available to the applicant within 2 months next. The O.A. stands allowed in the above terms with no order as to costs.



(SUDHIR KUMAR)
MEMBER(A)



(DR. K.B. SURESH)
MEMBER (J)

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