

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00362/2014

Jodhpur, this the 08th day of July, 2015

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Hari Swaroop Gupta S/o Late T.S. Gupta, aged about 69 years, R/o 12-A Mohanpura, Jodhpur-342001, retired from service on superannuation as Assistant Engineer from the office of the Garrison Engineer (CG&P) MES, Bhandup, Mumbai.

.....Applicant

By Advocate: Mr. Samuel Masih.

Versus

1. Secretary, Ministry of Defence, Government of India, South Block, New Delhi-110011.
2. P CDA (Pensions) Draupad Ghat, Allahabad-211014.
3. Central Record Officer (Officer), C/o Chief Engineer Delhi Zone, Delhi Cantt-10.
4. Chief Engineer Southern Command, Military Engineering Services, Pune-411001.
5. Garrison Engineer (CG&P), MES, NCH Colony, Kanjur Marg (W) LBS Marg, Bhandup, Mumbai-78.

.....Respondents

By Advocate : Smt. K. Parveen.

ORDER (Oral)

The present Original Application has been filed by the applicant

inaction of the respondents in granting his due and correct pension on grant 2nd financial upgradation under the ACP Scheme and sought following relief(s):-

- “(i) *That the respondent PCDA (Pensions) Allahabad be directed to amend the pension and the pay scale and issue revised corr. PPO in respect of the applicant.*
- (ii) *That the respondent PCDA (Pensions) Allahabad be directed to pay interest on the arrears of pension due to the applicant w.e.f. 01.01.2006.*
- (iii) *Any appropriate order or relief which the Hon'ble Tribunal deems fit in favour of the applicant”.*

2. Brief facts of the case as averred by the applicant are that the applicant is retired from the office of the Garrison Engineer (CG&P) Bhandup, Mumbai, Military Engineering Services, as Assistant Engineer (Civil). It has been averred that prior to his retirement on superannuation on 30th April, 2005, the applicant was running in the pay scale of Rs.6500-200-10500 and PPO No.C/ENG/19323/2004 dated 23rd December, 2004 (Annexure-A/1) was issued by Principal CDA (Pensions) Allahabad. The applicant was due for 2nd financial upgradation under ACP scheme on completion of 24 years of service for which letter for initiation for grant of 2nd financial upgradation under the ACP Scheme was issuing by Directorate General (Personnel)/ E1 (DPC-1) Engineering Chief's Branch Army Headquarters, Kashmir House New Delhi vide letter dated 08th November, 2006 (Annexure-A/2) and it was directed in the letter that necessary casualty be published in para II orders and the name of the

the Garrison Engineer (CG&P) Bhandup, Mumbai published the casualty of the applicant in part II order 06/2010 dated 27th December, 2010 (Annexure-A/4) and the same was forwarded along with option certificate and undertaking of the applicant vide letter dated 18th April, 2011 (Annexure-A/5). It has been averred that the special part II order No.4 dated 12th August, 2011 (Annexure-A/6) was published by respondent No.5 fixing the pay scale of the applicant and the applicant was granted 2nd financial upgradation under ACP Scheme in the pay scale of Rs.10000-325-15200 by Chief Engineer Southern Command, Pune and audited by Audit Officer Southern Command vide audit performa dated 24th May, 2011 (Annexure-A/7). It has been further averred that the applicant was paid Rs.74,888/- on account of arrears of pay and allowances the difference on grant of 2nd financial upgradation under the ACP Scheme by demand draft No.414139 dated 31st January, 2012 from respondent No.5. It has been averred that Central Record Office (Officers) in its letter dated 23rd April 2012 (Annexure-A/9) intimated PCDA (Pensions) regarding grant of 2nd Financial Upgradation under the ACP Scheme and fixing his pay in the pay scale of Rs.10000-325-15200 and raising his pay to Rs.11625/- PM and as per para 4 of the letter, the PCDA Allahabad was required to revise the pension/ gratuity by issue of corrigendum PPO. The applicant sent several representation addressed to PCDA (Pensions)

03rd September, 2012 (Annexure-A/11) for early issue of corrigendum PPO. The applicant received a copy of corrigendum PPO dated 31st August, 2012 under respondent No.5 vide dated 29th November, 2012 (Annexure-A/12) and a copy of the PPO was also forwarded to the Bank by respondent authorities. Thereafter, the applicant received yet another PPO dated 08th August, 2012 under respondent No.5 dated 23rd August, 2012 with a copy to the Bank. In this PPO the pay of the applicant has been fixed in the pay scale of Rs.6500-200-10500 and fixed pension at Rs.11865/- PM as on 01.01.2006 instead of Rs.13102/- PM. The applicant represented to respondent No.5 vide letter dated 21st October, 2013 with copy to PCDA (Pensions) Allahabad and Central Record Office (officers) regarding the error of fixing his basic pension at Rs.11865/- in the pay scale of Rs.6500-200-10500 instead at Rs.13102/- in the pay scale of Rs.10000-325-15200 as the pay scale has already been changed to Rs.10000-325-15200 w.e.f. 01.01.2006 after grant of 2nd upgradation under the ACP Scheme as has been reflected in the PPO dated 31st August, 2012. Thereafter the respondent No.5 vide its letter dated 16th November, 2013 (Annexure-A/17) requested Central Record Office (Officers) with a copy to PCDA (Pensions) Allahabad to forward revised corrigendum PPO for Rs.13102/- in the pay scale of Rs.10000-325-15200 w.e.f. 01.01.2006. Thereafter the respondent No.5 vide its letter dated 13th

issuing a revised corrigendum PPO of the applicant. But when no heed was paid to his representations and the letter issued by the official respondents, the applicant has filed the present OA for the reliefs mentioned in para No.1.

3. By way of reply the respondents averred that the application dated 03.07.2012 (Annexure-A/10) is neither addressed to the respondent department nor received by the respondent department and the corrigendum PPO dated 31.08.2012 received under CRO (O) Delhi letter dated 19.09.2012 was sent to the applicant vide letter dated 27.10.2012. It has been further averred that the corrigendum PPO dated 08.08.2012 received from CRO (O) Delhi vide letter dated 25.07.2013 and sent to the Bank and others vide letter dated 23.08.2013 instead of 23.08.2012. It has been further averred that the answering respondents wrote a letter to PCDA (Pensions) Allahabad vide letter dated 05.11.2014 to amend the pension and pay scale and also issued revised corrigendum PPO at the earliest and in pursuance of the directions rendered by this Hon'ble Tribunal, the respondent PCDA (P) Allahabad had issued PPO dated 06.10.2015 along with letter dated 06.01.2015 (Annexure-R/1). It has been averred that the relief claimed by the applicant in this OA has already been granted to him and respondents have prayed for dismissal of the OA.

4. Heard the counsels for both the parties. Counsel for applicant submitted that as prayed for in the OA, the office of the PCDA, Allahabad has amended the earlier PPO of the applicant vide revised PPO dated 06.01.2015 (Annex. R/1) and the entire payment on account of the grant of 2nd ACP and revision of pension thereof, and the entire amount due from 01.01.2006 to up-to-date including arrears of pension has been paid. However, for this the applicant, now nearly 70 years of age, had to run from pillar to post to get the due pension and the arrears thereof and faced great hardship. Counsel for applicant further contended that the applicant has not been paid the interest on the arrears of his due pension and in this regard he submitted that the respondent-department is liable to pay interest on arrears and in support of his contentions he referred to the judgments of Hon'ble Apex Court passed in the case of *Devaki Nandan Prasad v. State of Bihar* reported in (1983) 0 Supreme (SC) 14582 and *S.R. Bhanrale v. UOI* reported in (1996) 0 Supreme (SC) 26076 in which the Hon'ble Apex Court directed the authorities to pay interest on arrears of pension and prayed for granting of interest upon arrears of pension.


5. Per contra, counsel for respondents contended that the revised PPO has been issued vide dated 06.01.2015 (Annexure-R/1) and applicant has already been paid the entire amount of revised pension

the relief(s) claimed for by the applicant has been granted and now there is no real case for payment of interest on arrears of pension.

6. Considered the aforesaid contentions and perused the record. Admittedly the pension of the applicant has been revised vide Annexure R/1 dated 06.01.2015 and all the due pension and arrears thereof have been paid to him.

7. So far as interest on arrears is concerned, in view of the judgments of the Hon'ble Apex Court referred to by counsel for applicant, it is deemed just and proper to dispose of this matter with certain directions. Accordingly, the applicant may submit a representation with regard to his claims of interest to the respondents within a period of one month from the date of receipt of the order and the respondent-authorities are directed to consider and decide the same within 3 months from the date of receipt of such representation.

The OA is thus disposed of as stated above with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member

SS/Rss

A/C
14/7/15
for K. Parveen
GRCNSC

Received
14/7/15