

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 1201/1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

PANCHAM SINGH

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. B.C. Sinha, counsel

For the respondents : Mr. S. Chowdhury, counsel

Heard on : 10.6.99

Order on : 10.6.99

O R D E R

In this O.A., the applicant, Pancham Singh sought for direction upon the respondents to pay his retirement benefits such as, pension, commuted value of pension, DCRG and leave salary including packing and transport allowances with interest at the rate of 18%. The case of the applicant in short is that he was appointed in the Railways w.e.f. 13.11.1963 and retired from service on superannuation w.e.f. 30.11.96. According to the applicant, he was a permanent railway employee and he rendered continuous service from 13.11.63 to 30.11.96. But the respondents have not paid his retirement benefits till date. He made several representations to the authorities stating his grievances and verbally requested the respondents to release his pensionary benefit and other retirement dues. But the respondents have not taken any action in this matter. Thereby the applicant filed this application before this Tribunal seeking appropriate relief.

2. Respondents filed written statement denying the claim of the applicant. It is stated by the respondents that the applicant has been paid Provident Fund amount of Rs.5391/- on 14.12.96, Central Group Insurance Scheme, ~~Rs.7558/-~~ on 09.4.97, Provisional pension @ Rs.1492/- per month with arrears - Rs.20835/- on 31.1.98, 5th Pay Commission arrear on 09.4.99 - Rs.6222/- except

a sum of Rs.1500/- towards Final Pension per month, Rs.53000/- towards DCRG money(approx.) and commuted value of pension of Rs.75,000/- which ~~x~~ will be paid within a month. It is stated by the respondents that since no leave is due to the applicant, question of paying ~~of~~ leave salary does not arise. It is further stated by the respondents that the applicant wrote a letter to his advocate Mr. B.C. Sinha on 11.11.98 (Annexure R-1) to withdraw the case, but Mr. Sinha did not file the application for withdrawal of the O.A.1201/97 which has been filed by the applicant before the Tribunal. So, the application should be dismissed without adjudication.

3. Ld. counsel Mr. B.C. Sinha appearing on behalf of the applicant submits that ~~he~~ has not received any such letter as mentioned above(Annexure R-1 & R-2). He also submits that the applicant has not received all his settlement dues as admissible to him within ~~the~~ due date, ~~old~~ date and thereby he is entitled to get all his retirement benefits with interest at the rate of 18% from the respondents.

4. Ld. counsel Mr. S. Chowdhury appearing on behalf of the respondents submits that the applicant has not ~~any~~ grievance against the respondents and therefore he requested his counsel Mr. Sinha to withdraw the case by his letters dated 11.11.98 and 9.4.99 which are marked as annexure R-1 and R-2 respectively. So, from the said letters(annexure R-1 and R-2) it is clear that the applicant is no more interested to proceed with the case and thereby the application has become infructuous and therefore, it is liable to be dismissed.

5. I have considered the submissions of the ld. counsel for both the parties and have gone through the records. I <sup>in the court</sup> find that the applicant is not present, at the time of hearing. So, it is not possible to ascertain as to whether the applicant had written the abovementioned letters(annexure R-1 and R-2) to Mr. Sinha or not. It remains admitted fact that the applicant has not received the commuted value of pension and DCRG money till date though he retired on 30.11.96.

The Hon'ble Apex Court in the case of State of Kerala & Ors. Vs. M. Padmanabhan Nair reported in AIR, 1985, SC-357 has held that :-

"Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of interest at the current market rate till actual payment."

From the above, it can be said that it is the obligation on the part of the respondents to disburse the pension and gratuity to the applicant on the date of his retirement. In this case, the respondents did not disclose as to why they have not paid the outstanding dues to the applicant till date. The cause of delay in the payment of pension and gratuity should be identified and ~~remedial~~ step should be taken by the Head of the Department so that the delay should not occur. So, whenever delay occurs should be viewed seriously.

6. In view of the aforesaid circumstances, the respondents are directed to pay all ~~the~~ outstanding retirement benefits, if not paid, to the applicant within one month with interest at the rate of 12% from ~~expiry~~ of two months from the date of retirement till payment is made. Respondents are further directed to settle the pensionary matter of the applicant by issuing final Pension Payment Order within 3 months from the date of communication of this order. The applicant shall also be entitled to get interest @ 12% on his pension amount from the ~~expiry~~ of two months from the date of his retirement till payment is made. With these observations, the application is disposed of awarding no costs.

*Al Bnc 10/7/89*  
( D. PURKAYASTHA )  
MEMBER(J)