

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 123/90 ~~1990~~
~~K.A. 123/90~~

DATE OF DECISION 30.4.1991

Mr. M. Venugopal Sodar Applicant (s)

(Applicant in person) Advocate for the Applicant (s)

Versus

Govt. of India, (Secretary, Respondent (s)
M/o Defence) and 4 others

Mr. A.A. Abul Hassan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. MUKERJI - VICE CHAIRMAN

The Hon'ble Mr. A.V. HARIDASAN - JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? Yes
4. To be circulated to all Benches of the Tribunal? Yes

JUDGEMENT

(Hon'ble Mr. A.V. Haridasan, Judicial Member)

Shri M. Venugopal Sodar who retired from the Defence Accounts Department has filed this application under Section 19 of the Administrative Tribunals Act praying that the Annexure-D order dated 29.1.1990 issued by the Controller of Defence Accounts whereby the applicant is requested to cooperate by opting for the New Banking Scheme (NBS) in drawing his monthly pension may be quashed and the 5th respondent may be directed to disburse the monthly pension due to him in cash on the 2nd working day of every month or if that date is not convenient to him on ^{the} next earliest day. It is averred in the application that the

respondents 4 and 5 have been showing a non-cooperative attitude towards him in disbursing xx his monthly pension and ^{that} ~~the~~ direction contained in the impugned order to opt for the NBS is not a valid and proper direction since the scheme itself is not sanctioned by the Government of India.

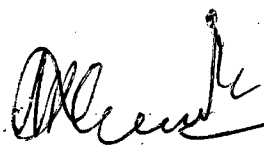
2. The learned Counsel for the Central Government xxxxxxxxx has indicated that the New Banking Scheme has been introduced in November, 1984 and that out of nearly 13,600 pensioners except ^{-ing} ~~three~~ persons including the applicant all others have opted that scheme. He has also ^{that} ~~stated~~ though there is no difficulty in disbursing the pension to the applicant otherwise than through the Bank xxx as cash payment system has been dispensed with it may not be practicable to pay him in cash and that it may not always be possible to disburse the pension on the second working day itself.

3. Having gone through the pleadings and having heard the arguments by the applicant and the learned Central Govt. Standing Counsel, we are of the view that there is not much of ^a ~~dispute~~ to be settled in this case. A suggestion was mooted by the learned Central Govt. Standing Counsel that the application can be disposed of by giving a suitable direction to the 5th respondent to disburse the pension of the applicant within the first seven working days of every month. The applicant is also amenable to this course provided a direction is given that pension is disbursed to him in cash if disbursement ^{of pension} ~~in~~ cash has not been completely dispensed with in the office of the 5th respondent.

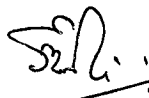
4. In view of the submissions made at the Bar, the application is disposed of with the following directions to the fifth respondent:

The monthly pension of the applicant should be disbursed ~~at~~ within the first seven working days of every month. If on any particular date fixed for receipt of pension the applicant does not turn up, the payment should be made to him on the next working day. Pension to the applicant should be paid in cash if pension is paid in cash to any other pensioner in the office of the fifth respondent.

5. There is no order as to costs.


(A.V. Haridasan)
Judicial Member

30/4/91


(S.P. Mukerji)
Vice Chairman

30.4.91.

30.4.1991.

Ks.