

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 22/2000

Friday this the 8th day of December, 2000.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

P.G.Jacob
Kurunamannil, Puthan Bangalow
Aranikudy, Pandalam
PIN 689 515.

Applicant.

By advocate Mr.P.N.Purushothama Kaimal

Versus

1. Union of India represented by
Ministry of Health
New Delhi.
2. The Director
National Institute of Occupational Health
Meghani Nagar
Ahamedabad 380 016.
3. The Director General
Indian Council of Medical Research
Ansari Nagar
New Delhi - 16.
4. Officer in charge
Regional Occupational Health Centre (Southern)
Bangalore Medical College Campus. Respondents.

By advocate Mr.T.A.Unnikrishnan, ACGSC

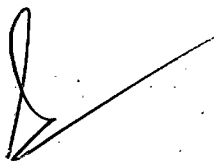
Application having been heard on 8th December, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to direct the first respondent to
disburse his pension through his bank account and to pay the
pension arrears to him forthwith.

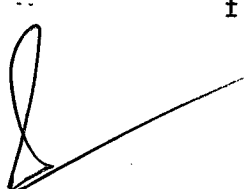
2. Applicant says that he retired on 31.8.96. Prior to
his retirement he submitted pension application to the
competent authority with the details of the nationalized bank,
the State Bank of Travancore, Pandalam Branch and bank account
number to which monthly pension is to be credited. In the
pension application column No.8 B&C, the address of the bank



and account number are to be shown. His pension was to be credited to his bank account. Respondents were not doing the same. Third respondent sent a letter to the first respondent recommending that the pensioner's pension has to be paid through his nominated bank.

3. Respondents say that the version of the applicant that he was working under the first respondent which is an institute under the Indian Council of Medical Research is not correct. Further, the statement of the applicant that Regional Occupational Health Centre is an institute under the Indian Council of Medical Research is also not correct. Applicant was requested to submit his claim for arrears of pension due to him. Instead, he filed an original petition before the High Court of Kerala which was dismissed, to be filed before the appropriate forum. Applicant has not submitted his claim for release of pension due to him despite being asked to do so by the respondents.

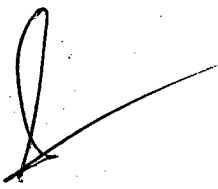
4. There is no dispute as to the fact that the applicant is entitled to pension. Respondents have not stated anything regarding their inability to pay the pension to the applicant. They say that in spite of requests made by them the applicant has not submitted his claim for release of pension. Applicant is insisting that his pension should be paid only through the nominated bank and not in any other form. Applicant is heavily relying on A1 for this purpose. A1 is not with regard to the disbursement of pension. It is a form for applying for commutation of a fraction of superannuation pension. There in column 8, an option is given to the pensioner as to how he desires to have the commuted pension - to have it through the nominated branch of a nationalized bank. This does not, ipso facto, apply to disbursement of pension.



5. A3 is a letter issued by the officer in charge of Regional Occupational Health Centre, Bangalore to the Director, National Institute of Occupational Health, Ahmedabad saying that on enquiry from T.R.C. Madras and National Institute of Virology, Pune, it is informed that those institutes are disbursing pension through bank and that the National Institute of Occupational Health Centre may look into the matter and pay pension to the applicant as requested by him through the bank indicated in his pension papers. There is no document produced to show that the applicant in his pension papers has nominated any branch of any nationalized bank. That apart A3 is only a request by one authority to another to consider the payment of pension to the applicant through bank. It is not an order binding on the pension disbursing authority.

6. A4 is a letter issued by the administrative officer of the institution from where the applicant retired, to the applicant. It says that the applicant has not claimed pension from April 1998 till the date of issuance of the same and that pension bill is enclosed for further necessary action. It also makes a specific request to send pension claim regularly in order to enable the authority to release the pension payment. The specific case of the respondents is that in spite of requests, the applicant has not submitted the pension bill.

7. As rightly stated by the respondents, the applicant was not working under the first respondent which is not an institute under the Indian Council of Medical Research for the reason that the first respondent is Union of India represented by the Ministry of Health, New Delhi.

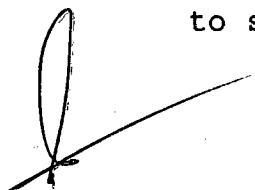


8. Though in A3 it is stated that T.R.C and National Institute of Virology, two ICMR institutes, are disbursing pension through bank, there is no material to show that the institute from where the applicant retired is also attached to ICMR. Respondents have specifically taken the stand that the applicant was not working under the ICMR.

9. There are two prayers in the original application. First prayer is to direct the first respondent to disburse the pension to the applicant through bank and the second is to direct the respondent to pay pension arrears to the applicant. As per Rule 10 of C.A.T. (Procedure) Rules, an application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another. The two reliefs sought in this application are distinct and based on different causes of action and not consequential to one another. On that ground alone, the original application is not maintainable.

10. The first relief sought is to direct the first respondent to disburse the pension of the applicant through his bank account. First respondent is Union of India represented by Ministry of Health, New Delhi. There is absolutely no case for the applicant that the Ministry of Health, New Delhi is the disbursing authority as far as his pension payment is concerned. When the applicant wants disbursement of pension through bank, it is for the disbursing authority to do so. As there is no case that the first respondent is the disbursing authority why and how such a relief is sought is not known.

11. As far as the payment of arrears of pension is concerned, respondents only say that the applicant has failed to submit the requisite form. The anxiety of the respondents

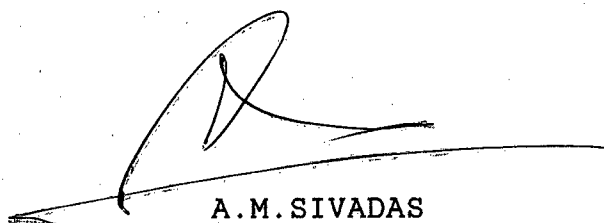


to disburse the pension to the applicant is borne out by A4. So it is not a case of the respondents due to any fault on their part withholding pension to the applicant.

12. As far as the claim of the applicant that he is entitled to get pension disbursement through bank is concerned, any relief that is sought should be based on an enforceable right. For an enforceable right there should be a legal basis. There is no legal basis either pleaded or submitted across the bar for disbursement of pension through bank.

13. Here it is not a case of denial of pension to the applicant which he is entitled to but the applicant is dictating terms how the pension should be disbursed.

14. I do not find any merit in the original application. Accordingly the original application is dismissed.



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A1 True copy of the pension application submitted by the petitioner dated 5.4.99.
- A3: True copy of the letter sent by 1st respondent dated 23.3.98.
- A4: True copy of the letter sent by 1st respondent dated 23.12.98.