

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 238/2009

Dated this the 8<sup>th</sup> day of June, 2011

C O R A M

HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

Gracy Thomas, W/o John Thomas  
Navarukizhakkethil House,  
Nellickammon P.O, Angadi Village, Ranni  
Taluk, Pathanamthitta District. - Applicant

(By Advocate Mr. V. Philip Mathew)

Vs

- 1 The Sr. Divisional Personnel Officer  
South Eastern Railway (Settlement)  
Bilaspur - 495004.
- 2 The State Bank of India, Bhilai Branch (Section-I)  
Madhya Pradesh, represented by its Branch Manager.
- 3 Secretary to the Govt of India  
Ministry of Railways, New Delhi. - Respondents.

(By Advocates Mr. P. Haridas & Mr. P. Surendranath)

The application having been heard on 1.3.2011, the Tribunal delivered the following:

ORDERHON'BLE Mrs.K NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the non-payment of pension and retiral benefits after the lapse of 20 years and prays to direct the respondents to grant pension and other retiral benefits within a time limit.

2. The applicant while working as Station Clerk took voluntary retirement on 28.3.1987 on rendering 23 years service on personal reasons. On submitting necessary applications for getting pension and other retiral benefits requested the respondents to deposit the same in the S.B account No. G-779 maintained by her with the State Bank of India, Bhilai Branch to enable her to join her family in USA. It is alleged that after the lapse of 20 years and making several representations to the respondents she was constrained to send a Lawyer's notice to the respondents on 1.3.2008. In response to the Lawyer's notice the respondents vide Annx.A2 informed that all the settlement dues have been passed in the year 1987 and 1988 itself and her pension was sent to Account No. G-779 maintained in SBI Bhilai Branch. She was directed to verify from the bank whether the Pension Payment Authority (PPA for short) was returned to the Pension Disbursing Authority. The communication dated 23.5.2008 addressed to the Branch Manager, SBI Bhilai and communication dated 24.5.2008 addressed to the first respondent have yielded no response. Hence this O.A.

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3. The respondents No.1&3 in their reply statement submitted that all the settlement dues have been processed and passed in the year 1987 and 1988 itself and the pension payment authority was also sent to the applicant's pension payee bank i.e. SBI Bhilai Branch against Account No.G.779. They averred that no application was ever received for transfer of her account from Bhilai to Kerala. They further submitted that after the passage of more than 20 years the applicant is making unnecessary and unacceptable statements against the respondents. The pensioner has to submit life certificate every year in the month of November to enable to draw pension. She has not done it so far. They have produced Annx.R1 showing the release of settlement payment to the applicant. They alleged that the applicant was sleeping over her rights for many years and all of a sudden she woke up to demand for the same.

4. Respondent No.2, State Bank of India, Bhilai Branch filed separate reply statement. It is submitted that neither the applicant has ever visited the Branch after retirement nor did she submit the life certificate and non-employment certificate which are mandatory for verification and identification of the pensioner. After the formalities are done by the pensioner the bank releases pension in the bank account. If the pensioner does not turn up the bank returns the pension payment order to the concerned department. It is further stated that if a pensioner settles outside the country he has to open a Non Resident Ordinary (NRO)



account and submit life certificate and non-employment certificate attested by the Indian Embassy of her resident country. As per the rules and practice of the bank, records pertaining to pension payment scroll would be retained/kept in safe custody of the bank only for 5 years. No records except ledger sheet are available in the bank to confirm the credit of pension in her account.

5. Separate rejoinder to the replies have been filed by the applicant reiterating the facts and grounds mentioned in the OA.

6. The first respondent viz. The Senior Divisional Personnel Officer S.E, Central Railway, Bilaspur, elaborately explained the circumstances leading to the issuance of the PPA through Account No. G-779 SBI Bhilai and again to the address given by the applicant at Ranny, Kerala. In the first instance, R-2 SBI, Bhilai never returned the PPA to R-1 and from Kerala, the cheques were returned as unpaid. Therefore, at the request of the applicant on 24.05.1988 once again cheques were issued to the applicant at another address C/o. M.A Mathai at Durg as furnished by her. These cheques were not returned back. The applicant too kept quiet for the next two decades. As per Appendix IX od IRC (R-4) the pension papers, pension paid vouchers etc. are preserved, only for a maximum period of 10 years. In the absence of records, they need more time to verify the pension payment particulars. (R-2 has however stated that from December 1987 onwards, no amount seems to have been credited in her account, G-779 in SBI, Bhilai).

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7. R1-3 again filed an affidavit stating that in obedience to the Tribunal's order on 01.11.2010, on receipt of necessary documents by the applicant, the respondent will take further steps to revive the PPA.

8. I have heard learned counsel for the parties and perused the records produced before me.

9. What emerges from the forgoing, is the fact that the respondents have taken necessary action in 1987/88 to sanction all retiral benefits and issue PPA. They also complied with the request of the applicant to issue cheques to the two addresses given at Kerala and later at Durg (MP). In the second instance, the cheques were not returned as unpaid while it was done in respect of cheques issued to the Kerala address. Therefore, the respondents cannot be faulted for inaction. As the applicant was residing at USA, it is quite possible that both parties may have missed certain communications. Therefore, the applicant has to be given the benefit of doubt, that she could not take payment of her retiral benefits, due to her inability to visit the Bank or the Indian Embassy in USA, as required in the Rules and submit the necessary declarations. Hence, I direct the applicant to submit a fresh application in the prescribed format, alongwith the necessary documents, with a request to revive the PPA already issued in 1987/88. Besides, she will also furnish an undertaking to pay back

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all the retiral benefits to be paid in the event of any earlier payment being done to her or anyone else authorised by her. On receipt of her application for revival of PPA, the respondents will take necessary action to revive her PPA and effect payment of all retiral benefits duly revising her pension on implementation of various CPC recommendations. This drill may be completed within four months from the date of receipt of the required application and documents from the applicant. Ordered accordingly. No costs.

  
K. NOORJEHAN  
ADMINISTRATIVE MEMBER

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