

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

QA No. 357 of 2001

Monday, this the 30th day of December, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P. Kesavan Nair,
S/o G. Parameswaran Pillai,
Yard Master (Retired), Irimpanam Yard,
Southern Railway, Ernakulam,
'SURABHI', PO Thirparappu,
Kanyakumari District - 629 161Applicant

[By Advocate Mr. P. Kesavan Nair]

Versus

1. The General Manager,
Southern Railway, Headquarters Office,
Chennai - 600 003
2. Divisional Accounts Officer,
Trivandrum Division, Southern Railway,
Division Accounts Office,
Southern Railway, Thiruvananthapuram.
3. Union of India, represented by Director,
Pension & Pensioners' Welfare,
Department of Pension & Pensioners' Welfare,
Government of India, New Delhi.Respondents

[By Advocate Mr. P. Haridas (R1 & R2)]
[By Advocate Mr. Sunil Jose, ACGSC (R3)]

The application having been heard on 30-12-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant after rendering War Service between 8-10-1943 and 18-5-1947 entered the service of the Southern Railway on 18-3-1951 and retired on superannuation on 31-10-1981. He was granted a monthly pension of Rs.407/- per month. Alleging that his entire service was not reckoned for computing the period of service for the purpose of pension, the applicant submitted a representation on 28-3-2000 on receipt of

the order revising his pension in implementation of the report of the Vth Central Pay Commission. In reply to his representation, he was told by the impugned order (Annexure A5) that his service after attaining the age of majority alone would count and therefore, there was no basis for his claim. Aggrieved, the applicant has filed this application seeking the following reliefs:-

- "1. By calling for the records and quashing Annexure A5.
2. By directing respondents 1 and 2 to correct the mistake in computing the qualifying service of the applicant and disburse to him his arrears of pension with interest.
3. By directing the 3rd respondent to dispose of Annexure A6 representation."

2. Respondents in the reply statement have stated that on verification of the service records of the applicant the claim made by the applicant has been found to be valid and therefore reckoning the 33 years of his service as qualifying service for pension the applicant's pension has been revised by Annexure R2(a) and R2(b) and that the pension disbursing authority has been directed to credit the arrears to his account.

3. In view of the fact that the respondents have conceded the claim of the applicant regarding the period of service and have issued orders revising his pension and advising the pension disbursing authority to credit to his account the arrears resulting therefrom by orders Annexure R2(a) and R2(b), the controversy in this case has been narrowed down. What remains is the question of interest. Learned counsel of the applicant argued that since the amount was kept back from the applicant's credit all these years on account of the improper

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computation of qualifying services by the concerned authorities, the applicant is entitled to get interest on the arrears of pension.

4. We find that the applicant has been made his claim for revision of pension reckoning the entire services only by Annexure A3 representation dated 12-3-1999. Therefore, any interest can be claimed by the applicant only with effect from that date. We therefore find that in the interest of justice the respondents have to be directed to pay interest to the applicant on the arrears of pension resultant to the revision by Annexure R2(a) and R2(b) from 12-3-1999 to the date on which it was credited to his account.


5. In the result, the Original Application is disposed of directing the respondents to award the applicant interest on the arrears of pension resulting from Annexure R2(a) and R2(b) at 6% per annum from 12-3-1999 till the date of crediting this amount to the account to the applicant's credit. The above direction shall be complied with by the respondents within two months from the date of receipt of a copy of this order. No order as to costs.

Monday, this the 30th day of December, 2002.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN