

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 364 of 2002

Friday, this the 20th day of September, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. T.M. Oommen,  
Clerk (Retired), Thiruvalla Post Office,  
Tharayil House, Kizhakkumbhagom,  
Niranam - 689 620      ....Applicant

[By Advocate Ms. K. Indu]

Versus

1. Union of India, represented by  
Secretary, Ministry of Communications,  
New Delhi.

2. Director General of Posts,  
New Delhi.

3. The Chief Postmaster General,  
Kerala Circle, Thiruvananthapuram.

4. Superintendent of Post Offices,  
Mavelikkara Division, Mavelikkara.      ....Respondents

[By Advocate Mrs. S. Chithra, ACGSC]

The application having been heard on 20-9-2002, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, an Ex-Serviceman, after rendering 11 years and 10 months of military service got reemployed in the Postal Department on 22-8-1973. He retired on superannuation on 28-2-1998. His grievance is that his pensionary benefits were not settled giving him the benefit of 11 years and 10 months of military service, although he had opted and had also

refunded the gratuity etc. which he received on discharge from the Defence services. The applicant has, therefore, filed this Original Application seeking the following reliefs:-

- "i) to direct the respondents to sanction the pension to the applicant counting the past Military Service as qualifying service;
- ii) to direct the respondents to sanction and disburse the pension arrears from 28.2.98 with 18% interest;
- iii) to direct the respondents to refix the pension, counting the Military Service rendered by him prior to his re-employment along with the Civil Pension and to disburse the arrears;
- iv) to direct the respondents to count the previous Military Service as qualifying service for pension by treating the option exercised by the applicant in pursuance of Annexure A7 order of this Hon'ble Tribunal; and
- v) to issue such other direction, order or declaration as this Hon'ble Tribunal deems fit and proper in the facts and circumstances."

2. It is alleged in the Original Application that the applicant had filed OA No.1661/98 claiming the benefit of pension reckoning the service rendered by him in the Defence services, that the Original Application was disposed of by Annexure A6 order directing that the applicant be given one more opportunity to make an option as required under Rule 19 of CCS (Pension) Rules and to refund the gratuity and other benefits which he received at the time of discharge from the Defence services, and that the applicant had submitted his option accordingly and had made the payment in September, 2001. It is further alleged that the inaction on the part of the respondents in settling the applicant's pension pay despite all these is highly unjustifiable.

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3. Respondents have not filed the reply statement, although they were given sufficient time to file the same. Learned counsel of the respondents states that a reply statement has been filed today. But the same is not seen placed on record. However, we have now taken the reply statement on record.

4. It is stated in the reply statement that the pension of the applicant has been revised giving him the benefit of Defence services and a sum of Rs.1,21,887/- as arrears has been paid to the applicant on 15-7-2002. Learned counsel of the applicant states that the statement is correct and the applicant received the said amount on 15-7-2002.

5. What remains for consideration is the question of interest. The applicant has prayed for 18% interest on the belated payment from 28-2-1998 onwards. Learned counsel of the respondents on the other hand stated that as there was no wilful delay or culpable delay, the claim for interest at market rate is unsustainable.

6. Since the applicant has exercised his option and refunded the amount received by way of DCRG etc. at the time of discharge from the military service in September, 2001, the respondents would have disbursed the amount due to the applicant as DCRG and other terminal benefits at least within a period of two months therefrom. This having been not done, we are of the considered view that the interest of justice demands making the respondents liable to pay interest at 9% per annum from 1-12-2001 till the date of payment.

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7. The Original Application is, therefore, disposed of directing the respondents to pay the applicant interest at the rate of 9% per annum on the amount of Rs.1,21,887/- from 1-12-2001 till 15-7-2002. The above direction shall be complied with by the respondents within a period of two months from the date of receipt of a copy of this order. No costs.

Friday, this the 20th day of September, 2002



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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#### A P P E N D I X

##### Applicant's Annexures:

1. A-1: True copy of the appointment order No.N/0-7 dated 9.4.74 issued by the Sr. Supdt. of Post Offices, Alleppey.
2. A-2: True copy of the Memo No.BB/24 dated 10.6.76 issued by the Superintendent of Post Offices, Thiruvalla.
3. A-3: True copy of the representation dated 18.6.98 submitted by the applicant to the 3rd respondent.
4. A-4: True copy of the letter No.C-2/MVK/98 dated 12.6.98 issued by the 4th respondent.
5. A-5: True copy of the order No.C-2/MUK/98 dated 22.9.98 issued by the 4th respondent.
6. A-6: True copy of the Judgement in OA No.1661/98 dated 11.4.2002 of this Hon'ble Tribunal.
7. A-7: True copy of the order No.A&P/90-472/2001 dated 20.8.2001 issued by the 3rd respondent.
8. A-8: True copy of the option dated 22.8.2001 of the applicant.
9. A-9: True copy of the letter No.B/OA/1661/98 dated 9/2001 issued by the 4th respondent.
10. A-10: True copy of the remittance Challan, of the applicant.
11. A-11: True copy of the letter dated 13.9.2001 submitted by the applicant to the 4th respondent.

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