

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No. 153 /2007
This, the 7th day of January 2008

Hon'ble Mr. Shankar Raju, Member (J)

S.K. Bhatnagar, aged about 74 years, S/o Lat Sri Shyam Swaroop Bhatnagar, R/o D-1331, Indira Nagar, Lucknow-226016.

Applicant.

By Advocate: Sri R.K. Sinha

Versus

1. Bharat Sanchar Nigam Limited (B.S.N.L) through its Chief General Manager, M.P. Telecom Circle, Door Sanchar Bhawan, Hoshangabad Road, Bhopal -462015.
2. General Manager, Telecom District, BSNL, MORENA (M.P.), A.B. Road Morena 476001.
3. Department of Telecom Ministry of Communication Through Controller of Communication accounts, M.P. Circle, Second Floor, BSNL Bhawan Hoshangabad Road, Bhopal-462015.
4. State Bank of India, through its Assistant General Manager, Jiwaji Chowk, Gwalior.

Respondents.

By Advocate: Sri G.S. Sikarwar

Order (Oral)

By Hon'ble Mr. Shankar Raju, Member (J)

The claim of the applicant is that he has not been paid commuted value of pension amounting to Rs. 87,400/-, which has been resisted both by B.S.N.L. and Accounts Officer on the ground that in the reply the aforesaid amount of Rs. 87,400/- has been sent to the applicant at his residential address vide Cheque No. 321436 dated 18.12.90. It appears that in the Original Application filed, State Bank of India has also been made a party, but not contested.

2. As there is a disputed question of fact raised in the present O.A., it would not be in the fitness of things to the Tribunal to decide the aforesaid but at the same time, if the cheque as stated by the respondents was sent but not acknowledged by the applicant and the amount has not been credited to his bank, in such an event, it cannot be concluded that the aforesaid amount has been paid to the applicant. In the circumstances, this O.A. is disposed of with a direction to the respondents to furnish within one month from the date of receipt of copy of this order, valid proof of receipt of cheque by the applicant and its credit in the concerned bank. If it is not so, an adverse inference shall be drawn in law against the respondents which in turn are obligated to pay to the applicant the commuted value of pension with attached interest as per rule 68 of CCS (Pension) Rules, 1972.

No costs..


(Shankar Raju)
Member (J)

HLS/