

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 349 of 2007

This the 22nd day of November, 2011

Hon'ble Mr. S.P. Singh, Member-A

Nand Lal Kushwaha, Aged about 61 years, S/o late Sri Ram Badan Kushwaha, permanent resident of Village & Post Kanta, District Chandauli (retired while working as Officer on Special Duty in the office of the Postmaster General, Gorakhpur Region, Gorakhpur)

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Applicant

By Advocate : Sri R.C. Singh

Versus.

1. Union of India through the Secretary, Ministry of Communication (Department of Posts), New Delhi.
2. Chief Postmaster General, U.P. Circle, Lucknow.
3. Postmaster General, Gorakhpur Region, Gorakhpur.
4. Director of Accounts (Postal), U.P. Circle, Lucknow.

..... Respondents.

By Advocate : Sri S.P. Singh

O R D E R (Oral)

The applicant has sought relief of issuing/passing of appropriate order or direction to the respondents setting aside the impugned orders dated 28.2.2007, 9.5.2007 and 25.6.2007 respectively issued by the respondents no.4.

2. Learned counsel for the applicant submits that the applicant has received all payments like pension, commuted value of pension, and retirement gratuity etc., therefore, impugned orders contained in Annexure nos. A-1, A-2 and A-3 have become infructuous as the relief(s) sought therein have been granted by the department itself. Learned counsel for the applicant further submits that the amount towards interest has also been sought as one of the relief(s) and this Tribunal had already granted the said relief in an identical and similar matter. He cites the judgment and order dated 16.12.2010 passed by this Tribunal in O.A. no. 346 of 2007. On the other

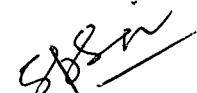
S.P.S.

hand, learned counsel for the respondents submits that there is no deliberate delay on the part of the respondents. He further submits that the aforesaid judgment dated 16.12.2010 is slightly different on facts and the ratio laid down in that judgment is not applicable in the present case.

3. Learned counsel for the applicant further submits that the facts of the present case are similar to that of cited case. No chargesheet was issued in the cited case and he had also prayed for provisional pension as is being sought in the present case by way of an interim relief. In the present case, an interim order dated 28.9.2007 was passed by this Tribunal running into four pages dealing with the factual matrix of the case as noted above. Under these circumstances, the Tribunal granted the applicant provisional pensionary benefits. According to him, the applicant has already been granted & paid final pensionary benefits in compliance of this Tribunal's order dated 28.9.1997.

4. In view of the position as above, there is a strong case for confirming the interim relief as final relief and allow this O.A. by awarding 6% interest per annum, which is to be paid on delayed payment of pensionary benefits.

5. In view of the above, O.A. is allowed. Respondents are directed to calculate and pay the interest @ 6% per annum on account of late payment of commuted value of pension and retirement gratuity to the applicant to be calculated after three months of the retirement of the applicant till the actual payment was made of retirement benefits as above, preferably within a period of three months from the date a certified copy of this order is produced before them. No order as to costs.



(S.P. Singh)
Member-A