

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

CCP No. 1/2008 in Original Application No. 388/2006

This, the 23rd day of August, 2012

HON'BLE JUSTICE ALOK KUMAR SINGH, MEMBER (J)

HON'BLE SHRI S.P. SINGH, MEMBER (A)

Hari Kumar Jaitley aged about 61 years son of late Sri K.N. Jaitley, resident of House No. 3/474, Vivek Khand, Gomti Nagar, Lucknow.

Applicant.

By Advocate: Applicant in person

Versus

1. Sri Jawahar Thakur , Principal Chief Controller of Accounts, Central Board of Direct Taxes, 9th Floor, Khan Market, Lok Nayak Bhawan, New Delhi.
2. Sri Sushil Pal, Controller of Accounts, CBDT, 9th Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
3. Sri Sunil Kumar, Zonal Accounts Officer, 18 Madan Mohan Malivya Marg, Lucknow.

Respondents.

By Advocate: Sri P.K.Srivastava for Sri N.H. Khan

ORDER (Dictated in Open Court)

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Heard.

2. Vide order dated 8.8.2007, passed in O.A. No. 388/2006, impugned communication was quashed relating to withholding of regular pension and commuted value of pension and the respondent No. 4 i.e. Zonal Accounts Officer, Central Board of Direct Taxes was directed to release the pension and commuted value of pension in accordance with rules within a period of 4 months from the date, a certified copy of this order is received. In case of delayed compliance, an amount of interest @ 12% per annum was also to be paid.

3. It is pointed out on behalf of the respondents that as mentioned in para 4 of Supple. C.A. sworn by Sri R.Y. Tewari, the then Sr. Accounts Officer dated 1.7.2009, in compliance of order of

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this Tribunal, the payment of commuted value of pension and pension has been worked out as under :-

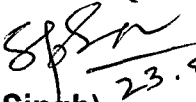
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|----|--|---|-------------|
| a) | Commuted value of pension as on 1.8.2007 | - | 2,52,650.00 |
| b) | Interest 12% from 1.8.07 to 31.8.08 | - | 15,159.00 |
| c) | Pension payable from 1.2.08 to 11.2.08 @ 2301/- p.m. | - | 873.00 |
| | Total | - | 2,68,682.00 |
| d) | Already paid vide cheque No.843386 dated 12.2.08 | - | 2,54,003.00 |
| e) | Balance to be paid | - | 14,679.00 |

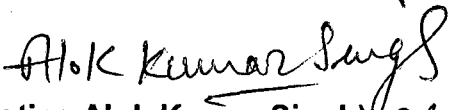
4. From the above, it appears that commuted value of pension as on 1.8.2007 has been worked out to be Rs. 2,52,650/- . On this amount an interest @ 12% has been proposed for payment to the tune of Rs. 15,159/-. Learned counsel for respondents submits that besides these amounts, the difference in pension amount payable from 1.2.2008 to 11.2.2008 @ Rs. 2301/- p.m. amounting to Rs. 873/- was only in dispute. Thus, out of total amount Rs. 2,68,682/- a cheque dated 12.2.2008 has also been issued/ paid to the tune of Rs. 2,54,003/-. The balance amount of Rs. 14,679/- has already been received by the applicant as admitted by him today. The perusal of para 8 of affidavit of applicant dated 11.10.2010 reveals that according to him, amount of commuted value of pension comes to Rs. 2,70,874/- instead of Rs. 2,52,650/-. The contention of the applicant is that the commuted value of pension should have been calculated on the basis of multiplier of 9.81 whereas the department has calculated it by taking multiplier 9.15 (wrongly mentioned in the affidavit of the applicant as 9.14). But in the Counter Affidavit filed by Sri Sunil Kumar, presently posted as Zonal Accounts Officer in para 5, it has been specifically mentioned that in accordance with rules, the multiplier of 9.15 was the correct multiplier in respect of the appropriate age of the applicant. Neither any reply has been filed against it nor any otherwise

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material has been brought on record to controvert this averment.

Therefore, we come to the conclusion that substantial compliance has been made. This contempt petition is therefore, struck off with full and final satisfaction.


(S.P. Singh) 23.8.12
Member (A)


(Justice Alok Kumar Singh) 23.8.12
Member (J)

HLS/-