

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH : PATNA

Date of Order:- 11.2.2000

Registration No. CA-427 of 1996

Shri S.N.Pandey, Son of Late Hari Narayan Pandey,
retired Divisional Commercial Manager, Eastern
Railway, Danapur, at present resident of village
Gopalpur, P.O. Sahpur, District Bhojpur (Bihar) .. Applicant
- By Shri M.P.Dixit, Advocate

Versus

1. The Union of India, through the Chairman, Railway Board, New Delhi.
2. The General Manager, Eastern Railway,
17, Netajee Subash Road, Calcutta.
3. The Divisional Railway Manager, Eastern Railway,
Danapur
4. Senior Divisional Accounts Officer, Eastern Railway,
Danapur
5. Sri N. Bishwas, FA & CAO (F/B), Eastern Railway
Inquiry Officer, Calcutta-1.

.... Respondents

- By Shri S.Singh, Advocate

Coram:- Hon'ble Shri L.R.K. Prasad, Member (Administrative)
Hon'ble Shri Lakshman Jha, Member (Judicial)

ORDER

(pronounced in open Court through Dictation)

Hon'ble Shri L.R.K. Prasad, Member (Administrative):-

1. This application has been filed seeking
for reliefs:-

(i) Respondents be directed to pay commuted
value of pension to the applicant w.e.f.
the date of superannuation i.e.
31.5.93 along with 25% penal interest

(ii) The Respondents be directed to fix

the final pension of the applicant;

(iii) the charge-sheet at Annexure-A/3 be quashed.

(iv) Cost of litigation - Rs.2,500/-

2. We have heard the learned counsel for the parties and perused the material on record.

3. The applicant was initially appointed as Assistant Station Master, Eastern Railway, on 1.6.54. At the relevant time, the applicant was posted as Divisional Commercial Superintendent (DCS), at Eastern Railway, Danapur. He retired from service on 31st May, 1993. He has been paid all retiral benefits after retirement excepting the fact that his pension has not been finalised and he has not been paid commuted value of pension. It is admitted fact that he has been sanctioned 100% pension but the same is provision^{al}. No commuted value has^{yet} been sanctioned to him. In normal course the commuted value of pension should have been paid after final fixation of pension amount as soon as possible within certain period. However, in the instant case even though 100% provisional pension no commuted value of pension granted has been sanctioned due to pendency of a case against the applicant for which charge-sheet was served on him vide order dated 18.7.1994 which is at Annexure-A/3. The same charge-sheet was served with the sanction of the President. It is also admitted fact that no charge-sheet was served on him before his retirement. On the conclusion of the departmental inquiry, an order was issued vide order dated 25.10.1996 attached with supplementary affidavit filed by the official respondents, whereby it was communicated that the President has decided to communicate Government's displeasure to the applicant for charge held proved and charges II & III of the charge-sheet held partially proved. The reason for communicating the said displeasure has been mentioned in the said order. It is

stated by the learned counsel for the Respondents that the matter has been taken up with the concerned authority ~~for~~ ^{expeditious} sanction of the commuted value of pension.

4. It would thus, be noted that even though the provisional pension has been sanctioned to the applicant after retirement, the same has not yet been given final shape. Moreover, a commuted value of pension has also not been paid to the applicant even though it is stated that he had applied for the same.

5. The learned counsel for the applicant submitted that the applicant was entitled for payment of commuted value of pension from the date of retirement from service. As the same has not been done, he is entitled for payment of interest on commuted value of pension. In this regard the counsel for the applicant referred some judicial verdicts. On the other hand, the counsel for the Respondents stated that as departmental proceeding was pending against the applicant, the pension and commuted value of pension could not be finalised. As the departmental proceeding has been concluded, with the intimation of Government displeasure to the applicant vide order dated 25.10.99 the matter has been pursued and referred to the concerned authority for finalising the pension as well as settlement of commuted value of pension. The learned counsel for the applicant has drawn our attention to a circular of Railway Board (Annexure-A/8).

6. In view of the facts and circumstances of the case as stated above, we dispose of this application

4.

by directing the Respondents to finalise the pension of the applicant and settle his commuted value of pension within a period of two months from the date of receipt of a copy of this order, failing which the applicant will be entitled for payment of interest at the rate of 12% per annum ~~on~~ commuted value of pension from expiry of the said period to the actual date of payment. No order as to costs.



(Lakshman Jha)
Member (J)

SKS



(L.R.K. Prasad)
Member (A)