

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

[Patna, this Tuesday, the 15<sup>th</sup> Day of January, 2008]

C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

1. OA 361 of 2006

B.C.Singh Babu, son of Late Nabin Chandra Singh Babu, Ex-Sr. Clerk, C.H.Kalia under the C.M.L.W.O., Ministry of Coal, Govt. of India, resident of village- Chhotochaka, P.O.: Manakanali, Distt – Bankva, presently residing At/P.O. Barauni, District – Begusarai [Bihar]. ..... APPLICANT.

By Advocate :- Shri M.P.Dixit.

Shri S.K.Dixit.

2. OA 558 of 2006

Dhiraj Prasad Singh, son of Late K.D.Singh, Ex-Social Worker, CMLWO, Ministry of Coal, Govt. of India, resident of Mahabir Colony, Satsang B Deoghar-814112, presently residing at House of Shri N.K.Singh, P.O.: & P.S.: Khagaul [Besides Baliga Uchha Vidyalaya], District – Patna [Bihar]. ..... APPLICANT.

By Advocate :- Shri M.P.Dixit.

Shri S.K.Dixit.

3. OA 63 of 2007

Ramesh Mishra, son of Srikant Mishra, resident of village/P.O.: Goshpur, District – Supaul [Bihar]. ..... APPLICANT.

By Advocate :- Shri M.P.Dixit.

Shri S.K.Dixit.

Vs.

1. The Union of India through the Secretary, Ministry of Coal, Govt. of India, New Delhi.
2. Chief Accounts Officer, Principal Account Office, Shastri Bhavan, Ministry of Coal, Govt. Of India, New Delhi.
3. The Regional Pay & Accounts Officer, Regional Pay & Account Office, Ministry of Coal, P.O.: Jagjivan Nagar, Distt.: Dhanbad.
4. Sr. Accounts Officer, O/o R.P.A.O., Jagjivan Nagar, Dhanbad.

.....RESPONDENTS.

By Advocate :- Shri G.K.Agarwal, ASC.

*Shri*

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- The aforesaid three applications have been heard together as they contain the same issue and are being disposed of by this common order.

2. Heard both the sides. The applicants, along with others, had come up before this Tribunal in OA 438 of 1997 and two others which were disposed of by a composite order which is at Annexure-A/1. Those Applications were decided together as the issues involved were same and were against the same impugned order. The applicants had prayed for grant of pro-rata pensionary benefits/dues w.e.f. 01.10.1986 on the same ground as other employees, namely, M.S.Prasad [in OA 320 of 1993] and Habaldar Singh [applicant in OA 464 of 1996] were allowed, and for setting aside the order by which the benefit so sought by the applicants for interest @ 25% on the arrears amount was refused.

Discussing the issues involved in detail this Tribunal recorded a finding that the applicants were entitled for grant of pro-rata pensionary benefits w.e.f. 01.10.1986, i.e., from the date of transfer of their services to the Central Public Undertaking, with interest @ 12%. So observing the order denying pro-rata pensionary benefits was quashed.

3. The respondents of the case had moved the Hon'ble High Court in various writ petitions which were dismissed on admission on behalf of the petitioners [Officer on Special Duty and others] that the cases were fully covered by earlier decision of the High Court recorded in CWJC No. 7245 of 2000, disposed of on 11.08.2000 wherein a similar order recorded by CAT, Patna Bench was sought to be challenged, unsuccessfully.



4. The respondents though had so agreed before the Hon'ble Patna High Court that the cases stood on similar footing but in the written statement the difference in the amount of interest, i.e., the total payable amount to these applicants when compared to that of Habaldar Singh has been distinguished stating therein that Habaldar Singh had opted for commutation of 100% of his pension whereas the applicants had opted for commutation of a part of the pension only. The methodology of computation of interest on pension has been given at Annexures-A & B. Annexure-B contains the methodology of computing the interest on the payable amount of Habaldar Singh whereas Annexure-A relates to the claim of the applicant in OA 361 of 2006. It is admitted that the same methodology as adopted in the case of the applicant B.C.Singh Babu has also been adopted in the cases of other two applicants.

5. The learned counsel for the applicants points out that the difference in the method of calculation of pension is manifest from these two annexures so much so that in Annexure-B, which calculates the interest upon the due amount of Habaldar Singh with opening balance upto 31.03.1987 to be Rs. 70380/- interest @ 12% p.a. was calculated to be Rs.4223/- and the total thus came to Rs.74603/-. Learned counsel pointed out that for the succeeding year, i.e., 1987-88, 12% interest was calculated on the entire amount of Rs.74603/- which came to Rs.8952/- and the total amount came to Rs.83555/-, and in the succeeding year the interest was computed on this total amount and so on till the year 2000-01.

6. Learned counsel points out that in Annexure-A while calculating the interest upon the arrears of the applicant in OA 361 of 2006 another method has been adopted and year to year interest has not been

calculated. Learned counsel submits that in the cases of these applicants interest should have been calculated, cumulatively, on the basis of yearly rest. Learned counsel submits that the applicants have no grievance against the arrear amount in their favour but they have grievance against method of computation of interest as stated above. Learned counsel submits that if on the due amount, whatever that may be, interest is counted on the basis of yearly rest, cumulatively, the applicants will have no grievance.

7. In course of arguments the learned counsel for the applicants also produced before the Tribunal copy of a letter issued from the Assistant Accounts Officer, in the Department of Expenditure, Ministry of Finance, Govt. of India [Central Pension Accounting Office] addressed to the Pay & Accounts Officer, PAO Coal, Jagjivan Nagar, Dhanbad which related to the objection so raised against the computation of interest in the case of Dhiraj Prasad Singh who is applicant in OA 558 of 2006. This letter runs as follows :-

“I am to forward herewith the pensioner representation dated 30.12.2006 on the subject cited above. In this connection you are requested to look into the matter clarify [sic] directly to the petitioner under intimation to this office.”

Therefore, it is submitted that the matter of computation of interest by this letter dated 11.01.2007 has been re-opened.

8. Learned counsel for the applicant submitted that if a direction is given to the respondents to calculate interest upon the arrears payable to these three applicants by the same method as was adopted in the case of Habaldar Singh, they would have no grievance.

9. Learned counsel for the respondents when asked submitted that

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if so ordered, and if there was some difference in the amount of interest payable to Habaldar Singh and these applicants due to the methodology of computing the interest, then the respondents will have no objection in computing the interest adopting the same method as was adopted in the case of Habaldar Singh, vide Annexure-A/3 to the written statement.

10. The respondents are, therefore, directed to compute the interest upon the arrear amount relating to these three applicants in the same manner as was adopted in the case of Habaldar Singh vide Annexure-B to their written statement. If by computing interest by this method any difference comes in the amount paid, and payable, on the basis of yearly rest, that should be so paid within a period of three months from the date of receipt of a copy of this order. If the amount in excess has been found and if not paid within this period, that would be payable with interest @ 12 per annum, further, on the arrears to be computed from the date of expiry of the aforesaid period of three months granted by this Tribunal, till the arrears are paid.

A copy of the letter dated 11.01.2007 which has been submitted today for perusal of the Tribunal by the learned counsel for the applicant will be kept on the record.

11. With the aforesaid directions, these three applications stand disposed of. No costs.



[P.K.Sinha]/VC

skj.