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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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O.A. No. 144/87

198

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DATE OF DECISION 25-3-1988Shri Mrinal Kanti Dhar. PetitionerApplicant in person. Advocate for the Petitioner(s)

Versus

Union of India & OTHERS. RespondentShri J.D. Desai for M.I. Sethna. Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. J.G. RAJADHYAKSHA, MEMBER(A)

The Hon'ble Mr. M.B. MUJUMDAR, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? No Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No



(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.144/87

Mrinal Kanti Dhar,  
C/o. Prof. Vijayrao Kale,  
Advocate,  
45, New Lawyers' Chambers,  
Dist. Court Compound,  
Shivajinagar,  
Pune-411 005.

.. Applicant

vs.

1. Union of India  
Secretary,  
Ministry of Defence,  
Government of India,  
New Delhi - 110 011.
2. Scientific Adviser to  
the Minister of Defence  
and DGR&D,  
Directorate of Administration,  
Government of India,  
Ministry of Defence, DHQ PO  
New Delhi - 110 011.
3. Director,  
E.R.D.C.,  
Armament Post,  
Pashan,  
Pune - 411 021.

.. Respondents.

Coram: Hon'ble Member(A) Shri J.G. Rajadhyaksha  
Hon'ble Member(J) Shri M.B. Mujumdar.

Appearances :

1. Applicant in person.
2. Shri J.D. Desai (for  
Shri M.I. Sethna) Counsel  
for the Respondents.

ORAL JUDGMENT

Date: 25-3-1988

¶ Per Shri M.B. Mujumdar, Member(J) ¶

The applicant Mrinal Kanti Dhar has filed this application claiming an amount of Rs.36,000/- in all. The amount was claimed under three different heads. By our order dtd. 19-6-1987 we have not admitted the application so far as it relates to damages for defamation and compensation for not giving promotion of the applicant. However, we have admitted the application so far it relates to the applicant's claim of conveyance charges for himself and his family members and luggage charges

from Pune to his native place in West Bengal.

2. The applicant has filed a Review Petition for reviewing our order passed on 19-6-1987 so far as it relates to rejection of his claims on account of defamation and non promotion. We may point out that the applicant has claimed a compensation of Rs.4,000/- because the respondents had treated his claim as false. We have not allowed the application regarding that amount because in our view this Tribunal will have no jurisdiction to entertain and decide such a claim for defamation. Then the applicant has claimed a compensation of Rs.20,000/- because he did not get seniority-cum-promotion. It was the case of the applicant that he should have got that promotion in 1973. The application was not admitted regarding that claim as it was time barred under Section 21 of the Administrative Tribunals Act. Even after hearing the applicant regarding these claims, we do not find that these claims deserve to be adjudicated by this Tribunal. We, therefore, reject Misc. Petition No.226/87.

3. Regarding the other claims, we may point out that the applicant had joined the Indian Army as Havildar (Combatant) in 1942. He was discharged from the Army in July, 1970 and immediately absorbed as Stores Keeper in Defence Research and Development Establishment at Pune. He retired on 29-2-1984 on superannuation when he was working as Stores Superintendent. After retirement in August, 1984 he left Pune with the members of his family for his native place Pachagarh in Cooch Bihar District in West Bengal. Instead of going straight to New Cooch Bihar, which is the nearest railway station for his village, he went via Bhopal, Jabalpur, Varansi and Calcutta. He, therefore, preferred a claim towards first class charges from Pune to New Cooch Bihar and Bus charges from New Cooch Bihar to Pachagarh, luggage charges by truck from Pune to Pachagarh, DA for himself and members of his family for four days each, etc. The claim was rejected by the respondents holding that the claim was false. The applicant has also claimed an amount of Rs.6,029/- towards interest because the amounts due to him on retirement were not paid within reasonable time.

4. The applicant has produced a certificate from the Sarpanch of Pachagarh dtd. 1-9-1984 showing that he, his wife and four daughters had come to Pachagarh from Pune in August, 1984. The applicant's family consists of his wife Arti and four daughters Vijaya, Uma, Seema and Ruby, all adults. Though the respondents had challenged the correctness of the claim, in view of the certificate of Sarpanch there is not much scope for denying that the applicant had travelled from Pune to Pachagarh along with the members of his family. According to his statement he and the members of his family are entitled to first class railway charges. The railway charges were Rs.562/- per person by the direct and shortest route. As there were six members of the family of the applicant he was entitled to Rs.3,372/- towards railway charges. From New Cooch Behar Station to his native place Pachagarh the distance is 33 kms. He has claimed as bus charges Rs.3.90 per person which comes to Rs.23.40. He has also claimed autorickshaw charges from his residence at Pune to railway station at Pune at the rate of Rs.12/- per rickshaw totalling to Rs.36/- Then the applicant has claimed Rs.1502.70 towards transport of his luggage from Pune to New Cooch Behar and Rs.75/- more for transporting his luggage from New Cooch Behar Station to Pachagarh, by truck. That is reasonable and according to rules being rail freight though actual transportation is by Road. In addition the applicant has claimed daily allowance for four days. According to him one requires ~~for~~ <sup>for travel</sup> four days from Pune to Pachagarh. He has claimed only /Rs.21/- per day per person and that amount comes to Rs.504/-. He has claimed disturbance allowance of Rs.200/- which he is entitled to according to rules. The total of these amounts comes to Rs.5,712.40. We find that the applicant is entitled to all these amounts.

5. We may point out that the applicant has retired after 42 years of service. Before joining service he was only a graduate. But during his service he completed his MA and after retirement he has completed his LLB course also. We doubt whether such a person would normally claim such amounts falsely. The amounts claimed are according to rules. Hence we hold that he is entitled to the total claim of Rs.5,712.40 from the respondents.

6. In para 6(d) of the application the applicant has claimed certain amounts on account of interest because he was not paid his pension, Provident Fund, Gratuity and commuted value of pension within a reasonable period from his retirement. On account of delay in paying pension he has claimed only Rs. 52/- which is negligible. But according to him there was delay of 479 days in paying the provident fund, delay of 650 days in paying gratuity and delay of 443 days in paying the commuted value of pension. The respondents have not brought the record showing on what dates these amounts were paid and why there was so much delay in paying these amounts. Hence, we are inclined to allow interest @ 12% per annum from the expiry of the period of two months from his retirement till the amounts were actually paid to him. As regards delay in paying the commuted value of pension we are of the view that till the commuted value of pension is actually paid a retired Government servant is paid the full pension. If that has not happened in this case then alone the applicant will be entitled to interest on the commuted value of pension.

7. In the result, we pass the following order:

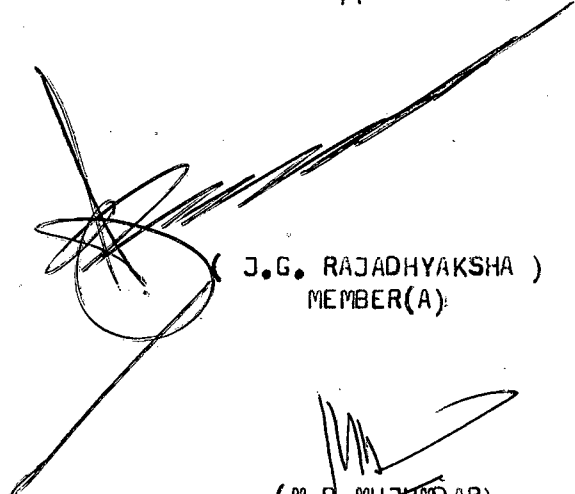
- i) The application is partly allowed.
- ii) The respondents shall pay Rs. 5,712.40 to the applicant within two months from the date of receipt of a copy of this order.
- iii) The respondents shall also find out if there was any delay in paying the provident fund amount and gratuity, and if there was any such delay they shall pay interest to the applicant @ 12% per annum from 1.5.1984 till these amounts were actually paid to him.
- iv) As regards interest on commuted cash value of pension we direct that if the applicant was not paid the full pension till he actually received the commuted cash value of pension, he shall be given interest @ 12% p.a.

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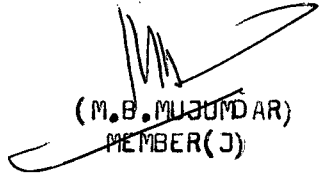
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on the commuted value of pension for the period from the date on which his full pension was stopped and till the date he was actually given the commuted cash value of pension.

(v) Parties to bear their own costs of the application.



( J.G. RAJADHYAKSHA )  
MEMBER(A)



( M.B. MUZUMDAR )  
MEMBER(J)