

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Dated this Monday the 19th day of November, 2001

ORIGINAL APPLICATION NO.780 of 2000

Coram: Hon'ble Mr. B.N. Bahadur - Member (A)

T.H. Jamadar,  
Office Superintendent (Retd.),  
Income-tax Office, Solapur.  
R/o 5/10, Laxmi Nivas,  
Aayakar Nagar,  
Near Rotary Club,  
Solapur. - Applicant  
(By Advocate Shri P.A. Prabhakaran)

VERSUS

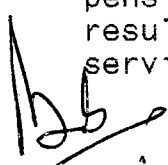
1. The Chairman,  
Central Board of Direct Taxes,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi  
representing Union of India.
2. The Chief Commissioner of Income-tax,  
Aayakar Bhawan, 12, Sadhu Vaswani Marg,  
Pune.
3. The Commissioner of Income-tax,  
Kolhapur, Income-tax Office,  
Kolhapur.  
(By Advocate Shri V.G. Rege) - Respondents

ORAL ORDER

Per Hon'ble Mr. B.N. Bahadur - Member (A) -

The applicant in this case comes up before the Tribunal seeking the following relief -

- (a) The Hon'ble Tribunal be pleased to direct the respondents that the services rendered by the applicant under the Indian Army from 10.12.1959 to 3.2.1967 be added to the qualifying service of the applicant for the purposes of retiral benefits and orders issued/revised accordingly.
- (b) The Hon'ble Tribunal may be pleased to further direct the respondents that the arrears of DCRG, pension, commuted values of pension etc. as a result of the enhancement in the qualifying service be paid to the applicant.



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(c) The Hon'ble Tribunal be pleased to order that interest be paid on the revised retiral dues as per Rule 68 of the CCS (Pension) Rules, 1972.

2. The reply in the case has been filed across the Bar today. Its copy has been provided to the learned counsel for the Applicant.

3. Learned counsel for the applicant, Shri P.A. Prabhakaran, and the learned counsel for the respondents Shri V.G. Rege have been heard in the matter. All case papers have been perused.

4. The important point in the case which makes it come in a short compass is the plea made for counting of Military service rendered by the applicant, for purposes of grant of pensionary benefits. The respondents in their written statement filed by the Deputy Commissioner, state that without prejudice to the legal/technical objections taken, and in order to be just and fair, the respondents have decided to consider the applicant's request afresh, and have acceded to, and are allowing him to count his Military service for purposes of grant of pensionary benefits. They state that they would recalculate the pension on notional basis and to pay arrears/dues on actual basis as per re-calculated rate from the date of filing of the said application viz. 17.12.2000. The respondents request that the application may therefore be disposed of.

5. The only point now made during the argument by Shri Prabhakaran was that interest should also be provided. This request is strenuously objected to by learned counsel Shri Rege on the ground that the applicant has come in very late, years



after his request was first rejected. Shri Prabhakaran also made the point that instead of giving the arrears from 17.12.2000, they may be given from the date of retirement i.e. 1.5.2000.

5. On consideration of overall facts in the case, I find that there is no sufficient justification for payment of interest on pensionary benefits. On the other hand, I also do not find any justification in Respondents paying the arrears from 17.10.2000 i.e. the date of filing of the O.A., instead of May, 2000 when the applicant retired. The difference is bared of six/seven months.

6. The OA is therefore disposed of noting the stand/declaration of Respondents as contained in Para 3 of the written statement of the respondents dated 16.10.2000. However, it is ordered that the arrears shall be paid from 1st May, 2000 i.e. the date of retirement of the applicant. The request for payment of interest on arrears is rejected. Since the matter has now been decided by the respondents and since the applicant has already retired about 1 1/2 years back the respondents should complete all formalities of issue of orders and make actual payment within a period of three months from the date of receipt of a copy of this order. If this is not done then simple interest @ 6% per annum shall be paid on the balance amounts. There shall be no order as to costs.

*B.N. Bahadur*

(B.N. Bahadur)  
Member (A)