

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1054/94

Transfer Application No.

Date of Decision 10.1.1997

M.A.Shaikh

Petitioner/s

Shri M.S.Ramamurthy

Advocate for  
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri V.S.Masurkar

Advocate for  
the Respondents

CORAM :

Hon'ble Shri. B.S.Hegde, Member (J)

Hon'ble Shri. M.R.Kolhatkar, Member (A)

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to other Benches of the Tribunal ?

M.R.Kolhatkar

(M.R.KOLHATKAR)

MEMBER (A)

B.S.Hegde

(B.S.HEGDE)

MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

OA.NO. 1054/94

Dated this the 10th day of January, 1997

CORAM: Hon'ble Shri B.S.Hegde, Member (J)  
Hon'ble Shri M.R.Kolhatkar, Member (A)

M.A.Shaikh  
residing at 31, Salim Manzil,  
2nd Floor, Room No. 9,  
Koliwada, Kalyan.

By Advocate Shri M.S.Ramamurthy                   ... Applicant  
V/S.

1. Union of India  
through the Secretary,  
Ministry of Communications,  
Department of Telecommunications,  
Sanchar Bhavan, 20 Ashoka Road,  
New Delhi.
2. Deputy General Manager  
(Tech.)(East), Mahanagar  
Telephone Nigam Limited,  
Kailash Commercial Complex,  
L.B.S.Marg, Vikhroli (West),  
Bombay.
3. Deputy General Manager,  
Dept. of Telecommunications,  
PMG's Office, G.P.O. Building,  
Fort, Bombay.
4. The Chief General Manager,  
Mahanagar Telephone Nigam Ltd.,  
Bombay Telephone House,  
G.S.Marg, Dadar (West), Bombay.
5. General Manager (East-I),  
M.T.N.L. Kailash Commercial Complex,  
L.B.S.Marg, Vikhroli (West),  
Bombay.

By Advocate Shri V.S.Masurkar                   ... Respondents  
C.G.S.C.

O R D E R (ORAL)

(PER: Shri B.S.Hegde, Member (J))

Heard Mr.M.S.Ramamurthy for the applicant and Mr.V.S.Masurkar for the respondents.

2. On the last occasion after hearing the learned counsel for the parties, the Tribunal had passed order on 11.11.1996 on the basis of statement made by the learned counsel for the applicant that his client has been paid pension of Rs.734/- right from the start and not Rs.1100/- as brought out by the respondents in their reply. The Tribunal directed the respondents to come up with the facts concerning payment of provisional pension to the applicant on the next date to decide the question of payment of interest.

3. The respondents vide their letter dated 9.7.1992 Exhibit-'B' page 31 of the OA. calculated the commuted value of pension Rs.366/- and deducted commuted value of pension. The applicant retired on 31.7.1992. The applicant's gratuity and commutation value of pension payments have been held up on the ground that disciplinary proceedings were pending against the applicant. Ultimately, the applicant has been exonerated from the charges. The applicant has filed M.P.No. 361/96 for direction to the respondents to pay to the applicant the amount of Rs.1000/- withheld from the DCRG as well as the commuted value of pension together with interest @ 12% p.a. The learned counsel for the applicant submits that sanction order was dated 9.7.1992, the said amount is released after a lapse of four years and hence he requests for interest

on the said amount. Though he is entitled for payment of gratuity after deducting the amount of overpayment of commutation amount. It is stated in the OA. that the applicant was paid commutation amount of Rs.900/- p.m. Learned counsel for the respondents submits that on account of disciplinary proceedings, the amount could not be paid. Therefore, the respondents are at liberty to deduct if any excess amount of commutation paid to the applicant out of the gratuity amount payable to him and they are liable to pay interest at the rate of 12% p.a. from 1.8.1992 to 10.5.1996 which may be paid within a period of two months from the date of receipt of this order. Accordingly, both M.P. and OA. stand disposed of. A copy of this order be given to the parties.

*M.R.Kolhatkar*

(M.R.KOLHATKAR)  
MEMBER (A)

*B.S.Hegde*

(B.S.HEGDE)  
MEMBER (J)

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