

Draft

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 504/97

Date of Decision: 12/2/98

V.R. Bandi

Applicant.

Shri S.P. Kulkarni

Advocate for  
Applicant.

Versus

Union of India & 3 Ors.

Respondent(s)

Shri S.S. Karkera for Shri P.M. Pradhan

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. P.P. Srivastava, Member(A).

Hon'ble Shri.

'ble S:

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

No  
No



(P.P. SRIVASTAVA)  
MEMBER (A)

abp.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6,PRESOT RD, 4TH FLOOR,

MUMBAI BENCH

MUMBAI-400 001.

ORIGINAL APPLICATION NO.504/97.

DATED THIS 12TH DAY OF FEBRUARY, 1998.

CORAM : Hon'ble Shri P.P.Srivastava, Member(A).

Vishwanath Rajanna Bandi,  
Retired Sorting Assistant(B.C.R.),  
R/at. Block No.4, Chintamani Colony,  
Kushtadham Road,  
District-Ahmednagar - 414 001.

... Applicant.

By Advocate Shri S.P.Kulkarni.

V/s.

Union of India  
Through

1. Senior Superintendent of R.M.S.,  
'B' Division, Near C.T.O.,  
PUNE - 411 001.

2. Postmaster General,  
Pune Region,  
Near C.T.O., Pune,  
PUNE - 411 001.

3. The Director General(Posts),  
Dak Bhavan,  
20 Asoka Road,  
New Delhi - 110 001.

... Respondents.

By Advocate Shri S.S.Karkera for  
Shri P.M.Pradhan

I O R D E R I

I Per Shri P.P.Srivastava, Member(A) I

The applicant had retired on 31/5/95 but the settlement dues could not be finalised as a charge sheet was pending against him and he was paid provisional pension. Later on the charge sheet was dropped on 30/5/96 and thereafter, the applicant's settlement dues were paid to him but in this OA the applicant has prayed for payment of interest on the delayed payment of DCRG, CGEIS and on the commuted value of pension.

2. As far as the question of payment of interest on DCRG, the respondent's administration mentions that they have made

the payment of interest (sanctioned on 16/5/97 of Rs.6,815/-). The Counsel for respondents mentions that he has consulted the officers concerned and confirmed that the payment has been made to the applicant.

3. As far as the interest on CGEIS, payment of premium by the applicant amounts to Rs.5,986/- . . the stand of the respondents administration is that there is no provision under rule for grant of interest on CGEIS and the respondents administration has not delayed this payment deliberately but it could not be paid as the Disciplinary case was pending against him. This amount was paid to the applicant on 21/3/96 taking into account that the respondents administration could have paid this amount within three months of retirement of applicant, the amount should have been paid by 1/9/95, therefore, the applicant would be entitled to interest w.e.f. 1/9/95 to 29/2/96 @ 12%.

4. As far as the payment of interest on commuted value of pension is concerned, the applicant has received full pension up to the date that the commutation payment was made and the respondents administration have paid the commutation as calculated in terms of rule CCS Commutation of Pension, Appendix I, Chapter 3, Rule 12-V (Eligibility). The ~~xxxx~~ counsel for applicant has argued that if the applicant had become entitled to the payment of commuted value of pension on the day he retired, he would have benefitted more and his case for payment of interest be considered on the commuted value of pension as on the date of retirement. Counsel for respondents administration has argued that in terms of CCS rules the applicant is entitled to full pension upto the date of <sup>payment of</sup> commutation of pension and the same has been paid to him.

5. After considering the arguments of both the counsel, I am of the view that as the applicant has been paid

full pension upto the date of payment of commutation of pension which incidentally is calculated as on the date of superannuation. It is also to be seen that the applicant was facing charge sheet and it is not that the administration has delayed it deliberately, but could not have paid the commuted value of Pension in view of the charge sheet pending against him. I therefore see no reason to grant interest on commuted value of pension to the applicant.

6. In the result the OA is disposed of with the following direction:-

- i) The applicant will be entitled to payment of interest on Rs.5,986/- being the amount of CGEIS paid by the applicant from 1/9/95 to 29/2/96 @ 12% ,
- ii) The applicant will not be entitled to any payment of interest on the commuted value of pension.
- iii) The interest as due to the applicant should be paid within a period of three months from the date of receipt of this ~~letter~~ order.

The OA is disposed of with above order.

There will be no orders as to costs.

abp.

(P.P. SRIVASTAVA)  
MEMBER (A)