

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.434/98

Date of order: 12/4/2000

Rupa Ram Sahu, S/o Shri Malu Ram, R/o Dabara, Teh.Didwana,
Distt.Nagaur, R/c 3/12, GSI Colony, Malviya Nagar, Jaipur.

...Applicant.

Vs.

1. Chairman, Railway Board, Mini. of Railways, New Delhi.
2. Union of India through General Manager, W.Fly, Churchgate, Mumbai.
3. Divisional Railway Manager, Bhavnagar Para Divn, Western Railway, Bhavnagar Para (Gujrat).
- 4.

...Respondents.

Mr.S.D.Sharma - Counsel for the applicant

Mr.T.P.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.F.Agarwal, Judicial Member

PER HON'BLE MR.S.F.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to pay the applicant pension and other pensionary benefits with arrears and interest @ 24% per annum.

2. In short the case of the applicant is that he was compulsorily retired after having served for about 30 years vide order No.ED/308/75/9 dated 8.2.77 but no retiral benefits such as pension, gratuity, Provident Fund, etc, were paid to the applicant. He made several representations but with no result. Therefore, the applicant filed this O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it is stated that the O.A has been filed after a period of about 21 years, therefore, the same is barred by limitation and the applicant is not entitled to any relief.

4. Heard the learned counsel for the parties and also perused the whole record.

5. It is an admitted fact that the applicant was retired compulsorily vide order No.ED/308/75/9 dated 8.2.77 but no retiral benefits including pension, gratuity, Provident Fund, etc. were paid to the applicant.


6. On the basis of the facts admitted in this case, the applicant is entitled to pension and other pensionary benefits as per the provisions given in Rule 36 of ODS(Pension) Rules, but he was not paid anything. The respondents have only challenged the

claim of the applicant on account of delay as denial of pension/pensionary benefits is recurring cause of action, therefore, the case of the applicant cannot be thrown out on the ground alone.

7. Pension is not a bounty but it is reward to the employee for his past services rendered irrespective of the fact whether the services rendered by him was satisfactory or not. It was the duty of the respondents to pay the pension/pensionary benefits within a reasonable time after the applicant was compulsorily retired. No order of any kind is available on record to withdraw the pension or pensionary benefits payable to the applicant. I am, therefore, of the considered opinion that the Department has been completely negligent in paying the pension and pensionary benefits to the applicant which were payable to him on the date of his compulsory retirement i.e. 8.2.77. No explanation for the delay of releasing pension and pensionary benefits was mentioned in the reply, therefore, the applicant is entitled for interest @ of 12% per annum on all arrears of payment.

8. I, therefore, allow the O.A and direct the respondents to pay the applicant pension w.e.f. 8.2.77 with arrears and all other pensionary benefits including gratuity, Provident Fund, etc. with interest @ 12% per annum within a period of 4 months from the date of receipt of a copy of this order.

9. No order as to costs.


(S.K. Agarwal) 12/4/2000
Member (J).