

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 163 of 2004

Jabalpur, this the 27th day of August, 2004

Hon'ble Shri Madan Mohan, Judicial Member

C.S. Dave, S/o. late Shri
L.S. Dave, Age 61 yrs. Conservator
of Forests, IFS (Retd.), 130/1,
Sangam Colony, Ukhari Road,
Jabalpur (MP).

... Applicant

(By Advocate - Shri R.C. Tiwari)

V e r s u s

1. The Union of India, Through
the Secretary, Environment &
Forest, CGO Complex, Lodhi Road,
New Delhi.
2. The State of Chhatisgarh, Through
the Principal Secretary Forest,
Raipur.
3. The principal Chief Conservator of
Forests, Chhatisgarh, Raipur.
4. The Accountant General,
Chhatisgarh, Raipur.

... Respondents

(By Advocate - Respondents Nos. 1 & 4 by Shri S.P.
Singh and respondents Nos. 2 & 3 by Shri Ajay
Ojha)

ORDER (Oral)

By filing this Original Application the applicant has
claimed the following main reliefs :

"8.1 to issue directions to the respondents to make
payment of monthly pension and commutation amounts to
the applicant,

8.2 to issue directions to the respondents to pay
interest at 24% on the amount of claims for the period
from 1.5.2003 till the date of actual payment,

8.3 to issue directions to the respondents to pay an
amount of Rs. 50,000/- as compensation for the wilful
delay in making the payment,"


2. The brief facts of the case are that the applicant
retired from Government service on 30.4.2003. The applicant
was initially appointed on the post of State Forest Service
Officer by direct recruitment on 8.4.1969 and was later
selected and assigned the Indian Forest Service cadre post
in 1981. The applicant retired on the post of Conservator

of Forests, Jagdalpur. After his retirement the applicant is entitled for pension and other retiral claims i.e. pension, commutation of pension etc. as per the rules. The claims were to be paid on the next date of retirement i.e. on 1.5.2003. The applicant submitted applications in the prescribed forms to the Principal Chief Conservator of Forest, Chhatisgarh, Raipur who sent the papers to the Principal Secretary, Forest vide memo dated 8.4.2003. These pension papers were sent to the AG Chhatisgarh by respondent No. 4 and the applicant was informed about the sanction of pension and commutation amount vide memo dated 11.9.2003 issued by respondent No. 4. The amount of his pension have not been paid to the applicant till this day. Hence, the applicant is entitled to get interest on these amounts soon after his retirement as per the rules and directions of the Hon'ble Supreme Court. The applicant again submitted a representation to the respondents on 12.10.2003 but no action is taken so far by the respondents. Hence, this OA is filed.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that the applicant was retirement from service on 30.4.2003. The monthly pension is already paid to him. Hence, he does not press the relief No. 8.1. He is ^{now} only claiming the interest on the amount of commutation of pension which is not yet paid to him. The applicant is entitled for interest thereon since from 1.5.2003 till the date of actual payment of the same. He has made several requests to the respondents but it is not made so far. He further argued that the applicant received one order dated 11th August, 2004 from respondent No. 4 i.e. AG, Chhattisgarh, Raipur by which the applicant shall get his money from the Treasury Office of Jabalpur.


5. In reply the learned counsel for the respondents Nos 1 & 4



argued that there is no lapse on the part of these respondents. There is also no delay in payment of the amount of the ^{of pension} commutation/to the applicant by these respondents. If there is any delay then the respondents Nos. 2 & 3 are responsible for it.

6. The learned counsel for the respondents Nos. 2 & 3 argued that the respondent No. 4 i.e. the AG, Chhattisgarh, Raipur vide his letter dated 11.9.2003 has sought verification for a period from 1.7.1992 to 31.10.2000 and from 1.4.2003 to 30.4.2003 and also a No demand certificate for the same period. The respondent No. 2 provided all relevant information while forwarding the pension case of the applicant to the respondent No. 4 vide letter dated 29.4.2003 and 6.5.2003. It clearly reveals that there was no lethargy or delay on the part of respondents Nos. 2 & 3 in disposing of the pension case of the applicant. The main reason for occurrence of delay was the issuance of final report by respondent No. 4. The respondent No. 2 was prompt to issue orders regarding payment of gratuity, group insurance scheme and leave encashment due at the time of retirement of the applicant. He has also drawn my attention towards annexures attached with this return and argued that the respondents Nos. 2 & 3 made sincere efforts by issuing letters to the respondent No. 4. But it was due negligence of the respondent No. 4 by which the amount of commutation of pension could not be paid to the applicant within the due time. He further argued that the applicant was serving in State of Chhattisgarh and he opted to obtain his retiral benefits amount from the Treasury Office, Jabalpur. This fact also caused delay for the alleged payment.

7. After hearing the learned counsel for the parties and on careful perusal of the records I find that the applicant had submitted his pension papers well in time and in its para 8



he has clearly mentioned that he shall draw every amount after his retirement from Treasury Office at Jabalpur. Hence, it was clearly well within the knowledge of the respondents Nos. 2 & 3 that the alleged amount shall be obtained by the applicant from Treasury Office, Jabalpur and not from State of Chhattisgarh. I have perused the returns filed by the respondents and I find that they have made allegations against each other and they have also tried to clarify their position by issuing letters to each other from time to time. But according to the respondents the applicant is entitled for the amount claimed soon after the retirement i.e. within three months after his retirement. But the same was not paid to the applicant. Hence, the applicant is entitled for interest soon after the retirement i.e. from 1.5.2003. The applicant is not concerned with the formalities and procedure adopted by the respondents between them. The applicant received one order on 11th August, 2004 which he has made available for perusal of the Court. The copy of the same is taken on record. This letter is issued from the Office of the AG, Gwalior. As the applicant has mentioned this fact that he shall draw his retiral dues from the Treasury Office, Jabalpur for the delay if any caused by the respondent No. 4, the State of Chhattisgarh may seek explanation from them. But legally the applicant is not concerned at all with these correspondence and delay of the respondents. Hence, this OA deserves to be allowed.

8. Accordingly, the Original Application is allowed and the respondent No. 2 i.e. the State of Chhattisgarh is directed to pay the interest on the amount of commutation of pension since from 1.5.2003 to 21.7.2004 i.e. the date mentioned in the latest letter dated 11.8.2004, on which date the final payment has been made, at the prevalent rate of interest according to the GPF rules within a period of three months from the date of receipt of a copy of this order. If the



amount
aforesaid interest/on the alleged payment is not made within
the prescribed time of three months then the applicant shall
also be entitled for further interest upto the date of actual
payment of the interest amount. No costs.

(Madan Mohan)
Judicial Member

"SA"

पृष्ठान्त से जो/लिया.....जबलपुर, दि.....

पत्तिलिपि अर्जेंट धाल:-

- (1) सचिव, उच्च न्यायालय नगर एरोडियरान, जबलपुर
 - (2) अध्यक्ष श्री/श्रीमती/शु.....के कार्यालय RCTiwei
 - (3) न्यायी श्री/श्रीमती/शु.....के कार्यालय SP Singh
 - (4) न्यायपट्ट, के.एम., जबलपुर न्यायाधीश A. ajha
- सूचना एवं आवश्यक कार्रवाई हेतु
उक्त न्यायाधीश

Issued
On 20.10.04
BS