

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.767/03

Jabalpur this the 26th day of ~~October~~ 2004.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

B.S.Maha
S/o Shankar Rao Maha
Retired Upper Division Clerk
Office of Commander, Works
Engineering, Jabalpur.
R/o Block No.J, H.No.17
Hathital Colony, Jabalpur.

...Applicant

(By advocate Shri A.L.Kocchi on behalf of
Shri M.R.Chandra)

Versus

1. Union of India through
Secretary, Ministry of
Defence, New Delhi.

2. The Chief Engineer,
Central Command
Lucknow.

3. Chief Defence Account (Pension)
Allahabad (U.P.)

...Respondents

(By advocate Shri S.A.Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks the following
main reliefs:

(i) To direct the respondents to compute and
calculate from their own records about
the delayed period of payment of the
interest due to payment of retiral benefits
beyond the stipulated period of 3 months
from the due date of payment, furnishing a
calculation sheet of the interest to be
paid thereon.

(ii) To further direct the respondents to make
payment of interest so computed and
calculated at a reasonable rate.

as stated by the applicant

2. The brief facts of the case^{ex-}are that the applicant
is an Upper Division Clerk of Commandant Works Engineering,
Jabalpur who retired on superannuation on 30.9.1996. In
accordance with the OM issued by Govt. of India, Deptt.
of Pension and P.W, payment of all retiral benefits
are to be paid within 3 months of its due and it cannot
be delayed beyond a period of 3 months. If such payment
is delayed by more than 3 months, the employee concerned

is entitled to receive and be paid interest at the rate applicable to GPF deposit for the entire delayed period. Respondents 2 & 3 are jointly and severally responsible for timely payment of retirement dues within a period of 3 months of its due. Since no disciplinary proceedings were pending against the applicant he was fully entitled to be paid his retiral benefits within 3 months of its due. The applicant has given the details of, the delayed payments of retiral benefits on which the applicants claims interest as per rule, in para 4.6 of the OA. The applicant made a representation to the competent authority for arranging payment of interest on the retiral amount paid after a lapse of 3 months on 17th March 2003. But nothing has been heard about it. Hence this OA is filed.

3. Heard the learned counsel for the parties. It is argued on behalf of the applicant that according to para 4.6 of the OA Sl.No.1, the amount of pension commuted value was delayed by a period of one year; the amount of DCRG at Sl.No.2 was also delayed by one year; the commuted value of pension at Sl.No.3 was delayed by two years; DCRG on revision & re-fixation of pay at Sl.No.4 was delayed by two years; difference in pension on revised fixation at Sl.No.5 was delayed by 4 years and 8 months. He has also mentioned the total amount due and the date of actual payment and last he has mentioned the interest due at the rate of 15% per annum. He has claimed the total interest due as Rs.70967/-. Our attention is drawn towards the applicant's representation Annexure A1 and the legal notice marked as Annexure A2.

4. In reply, the learned counsel for the respondents argued that the applicant was retired from service w.e.f 30 Sept. 96 on attaining the age of superannuation. The pension documents in respect of the applicant were submitted



to HQ Chief Engineer, Central Command, Lucknow vide letter dated 30.12.95. The HQ Chief Engineer, Central Command, Lucknow further submitted the documents duly scrutinized to Chief CDA (Pension), Allahabad vide letter dated 13.1.96 for sanctioning the pension/gratuity awards. Chief CDA (Pension) Allahabad has granted the pensionary awards vide PPO dated 29.6.96 received by CWE Jabalpur through Chief Engineer, Central Command, Lucknow vide letter dated 11.7.96. PPO was submitted to individual's bankers Central Bank of India MP Housing Board, Hathital, Jabalpur under CWE's Jabalpur Registered letter dated 9.9.96 for crediting the amount into account of the applicant (Annexure R-II). The orders for implementing revision of pension/gratuity and commutation of pension were received late in 1997. A large number of cases for revision of pension and various tasks like publication of Part II orders, preparation of dues drawn statement of the past period etc. were involved. There was slight delay in issuing revised PPO. However, the delay was not intentional and there was no wilful default on the part of the respondents but due to lengthy departmental channels which involve the decision of various policy matters, publication of Part II orders of fixation of pay and audit verification etc. and this fact was known to the applicant. Hence the OA ^{is} ~~was~~ without merits and deserves to be dismissed, ^{by} ~~argued~~ the counsel for the respondents.

5. After hearing the learned counsel for the parties and careful perusal of the records, we find that



the applicant retired on 30.9.96 on attaining the age of superannuation. The applicant submitted the relevant papers of pension, gratuity etc. ^{to the respondents.} The respondents forwarded these documents to the concerned authorities from time to time. ^{making} On final settlement of his dues by the respondents we find that the respondents have already sanctioned the pension and gratuity of the applicant vide PPO No. C/ENG/10275/96 dated 29.6.96. This fact has not been controverted by the applicant by way of any rejoinder. Hence, the respondents cannot be said to have delayed the payment of retiral dues of the applicant. Thus the applicant is not entitled for the interest on the alleged amount. As regard the payment of interest on arrears which was paid after revised pay fixation consequent to the recommendation of the 5th Central Pay Commission, We find that on this amount also the applicant is not entitled to get the interest because the recommendation of the 5th Central Pay Commission was accepted by the Government and instructions in this regard were issued later by the Government.

6. In this view of the matter, the applicant is not entitled to get any relief in this OA and the same is liable to be dismissed. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

skm पृष्ठंकन सं ओ/न्या.....जवलपुर, दि.....
पतिविलिपि अन्तेहित -

- (1) सचिव, उच्च न्यायालय वर. एवेकिएशन, जवलपुर
- (2) आन्वेषक पी/प्रिन्सिपल/.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती,के काउंसल
- (4) कार्यपाल, रजिस्ट्रार, जवलपुर, जवालपीड

सूचना एवं आवश्यक कायदाही हेतु

उप रजिस्ट्रार

Issued
On 28.10.04

MR Chandra
S.A. Dharmacharya
28.10.04