

(Signature)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00830/2014

Date of Decision : 28.5.2015,
Reserved on : 26.05.2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER

Boota Singh S/o Sh. Balvir Singh, Conductor No.829 (Retd.) resident of Village Rana, P.O. Gardhiwala, District Hoshiarpur, Punjab.

... **Applicant**
Versus

1. Union of India, through Secretary, Ministry of Home Affairs, North Block, New Delhi-110 001.
2. Union Territory, Chandigarh through Secretary Transport, Union Territory, Chandigarh.
3. Divisional Manager CTU & Director Transport, Union Territory, Chandigarh.
4. General Manager, CTU-I, Union Territory, Chandigarh.
5. Accountant General (A&E), U.T. Chandigarh.

... **Respondents**
Present: Sh. J.R. Syal, counsel for the applicant
Sh. Rohit Mittal, proxy for Mr. Rakesh Verma, counsel for respondents no.1 to 4
Sh. Barjesh Mittal, counsel for respondent no.5.

ORDER
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking direction to the respondents to pay interest @12% per annum on the amount of delayed pension and pensionary benefits i.e. gratuity, arrears of pension,

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Commutation of Pension, arrears of Grade Pay, General Provident Fund, G.I.S. and Leave Encashment etc for the period detailed in sub-para 4 (vii) from the date the same were due, till the date of actual payment.

2. It is stated that the applicant while working as Conductor No.829, Chandigarh Transport Undertaking, retired from service on 31.01.2009, on attaining the age of superannuation, under Rule 3.26(a) of Punjab Civil Services Rules, 1953, Volume-I, Part-I, vide order dated 19.01.2009, conveyed vide Endst. No.284/ECC/CTU-I/09, dated 30.01.2009 (Annexure A-1).

3. Respondent no.4 issued an order dated 16.02.2009, conveying sanction under Rule 11.5 of the Union Territory Government Employees Group Insurance Scheme Rules, 1984, for the payment of Rs.7,356 including interest to the applicant (Annexure A-2 and A-3). Respondent no.5 issued an authorization to the Treasury Officer, Central Treasury, Chandigarh vide letter dated 10.01.2012 for arranging the payment of a sum of Rs.1,47,944 being the amount of DCRG sanctioned to the applicant (Annexure A-4). Respondent no.4 addressed a letter dated 20.01.2012 to the Treasury Officer, UT Chandigarh with a copy to the applicant, certifying that the provisional DCRG has not been drawn and disbursed in favour of the applicant who retired on 31.01.2009 (Annexure A-5). The Central Pension Accounting Office, Government of India, New Delhi, issued PPO No.708551108625 on 10.01.2012 to the Manager,

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Punjab National Bank, Hoshiarpur, for the release of superannuation pension, as per the authorization given in the PPO itself (Annexure A-6).

4. Although the applicant retired on attaining the age of superannuation from the respondent Department on 31.01.2009, but there had been considerable delay on the part of the respondents in making payment of pension and pensionary benefits as detailed below:-

Sr. No.	Detail / Particulars	Amount released	Date of Release	Period of Late Payment		Total Period		
				From	To	Yrs.	Months	Days
1.	Gratuity	82080	23.1.2012	1.2.2009	22.01.2012	2	11	21
2.	Arrears of Grade Pay	75448	17.8.2013	1.10.2010	16.08.2013	2	9	15
3.	Pension Payment Arrears	150785	27.2.2012	1.2.2009	26.02.2012	3	0	25
4.	Computation Pension	147664	27.2.2012	1.2.2009	26.02.2012	3.	0	25
5.	Leave Encashment	103820	27.9.2011	1.2.2009	26.09.2011	2	7	25
6.	G.P. Fund	135453	16.2.2009	1.2.2009	15.02.2009	0	0	14
7.	G.I.S.	7356	02.3.2009	1.2.2009	01.3.2009	0	1	--

The applicant gave legal notice, through his counsel, vide Ref. No.KRP/03/2013, dated 03.10.2013, calling upon the respondent to immediately release / pay the interest @24% p.a. on the delayed payment of pensionary benefits, as tabulated in the notice itself, within 30 days from the date of registered legal notice (Annexure A-7), but to no avail. Hence this OA.

5. In the written statement filed on behalf of respondents no.2 to 4 it has merely been stated that the CTU put up the pension benefits case on time but the AG U.T. Chandigarh raised objections on the same time

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and again. While there was no negligence on the part of the CTU, but time was taken to remove the objections raised by the AG, U.T. Chandigarh. The payment of G.I.S. and GPF was made within two months of the retirement of the applicant.

6. In the written statement filed on behalf of respondent no.5, it has been stated that the pension case of the applicant was received in the office of respondent no.5 from office of respondent no.3 vide letter dated 18.12.2008. After scrutiny of the case by the office of answering respondent no.5, the following discrepancies were found:-

- "i) As per the orders of Director Transport UT Chandigarh dated 19.03.1997, the applicant was taken back in service w.e.f. 29.01.1991, but his service was verified w.e.f. 02.11.1994.
- ii) In the service record, the period of Govt. service was shown as 02.11.1994 to 31.12.2008, thus, it was also requested to clarify from the Department to supply the upto date history sheet of service of the applicant.
- iii) Up to date last pay certificate and consolidated no due certificate was also not received.
- iv) Service after 31.12.2008 to 31.01.2009 was not verified by the Department.
- v) Certificate to the effect that no departmental inquiry or court case etc was pending against the applicant was not enclosed with the case."

In view of the discrepancies in the pension case of the applicant, the office of the answering respondent no.5 returned the pension case of the applicant to the office of respondent no.3 vide communication dated

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16.01.2009. Respondents no.2 to 4 took time to remove these objections and hence the release of the pensionary benefits of the applicant was delayed as has been stated in the OA but respondent no.5 had no responsibility in this regard.

7. Arguments advanced by the learned counsel for the parties were heard, when learned counsel drew attention to the statement in para 4(vii) of the OA, ~~He~~ stated that it was clear from the same that there was considerable delay in the release of Gratuity, arrears of Grade Pay, Pension arrears, Commutation of Pension and Leave Encashment and the applicant was entitled to interest on the same as per the rules.

8. Learned counsel for respondent sno.2 to 4 stated that although the pension case of the applicant was prepared in time, many objections were raised by the office of respondent no.5 and hence there was delay in release of the pensionary benefits. Learned counsel for respondent no.5 stated that the pension case could only be processed when the same was in order and the responsibility for delay in this matter rested entirely with the CTU and its Officers.

9. I have carefully considered the matter. From the material on record, it is quite clear that there has been delay of 2-3 years in the release of Gratuity, Arrears of Pay, Pension Arrears, Commutation of Pension and Leave Encashment. Hence, there is no doubt that the applicant is entitled to interest on the belated payments. The respondents no.3, 4 are

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directed to release the amount of interest due to the applicant on account of delayed payment of the pensionary benefits referred above as per the rules within a period of six weeks from the date of receipt of a certified copy of this order being served upon the respondents. Any further delay in the matter shall invite further interest @12% per annum from the date when the interest is required to be paid as per this order till the date of its actual payment.

10. The OA is disposed of accordingly. No costs.

(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

Place: Chandigarh

Dated: 28.5.2015

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