

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-680/2015

Reserved on : 29.04.2016.

Pronounced on : 06.05.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Ved Prakash,
S/o Late Sh. Ronak Ram,
R/o C-397, Majlis Park,
Delhi-110033.

..... Applicant

(Applicant in person)

Versus

1. The Secretary,
Department of Posts,
Dak Bhawan,
New Delhi-110 116.

2. The Chief Post Master General,
Delhi Postal Circle,
Meghdoot Bhawan,
New Delhi-110001.

..... Respondents

(through Sh. Ranjan Tyagi, Advocate)

O R D E R

The applicant joined service as Postal Assistant on 06.04.1965 and retired as Senior Postmaster, Lodi Road, Head Post Office, New Delhi on 30.06.2005. At the time of retirement, proceedings under Rule-9 of CCS (Pension) Rules, 1972 were pending against him. Hence, a provisional pension of Rs. 8475/- p.m. was sanctioned to him. The Disciplinary Authority (DA) vide order dated 14.03.2011 imposed a penalty of withholding 10% of monthly pension of the applicant for a period of three years. Accordingly, his pension case was finalized and commutation of pension due to him was also sanctioned. The grievance of the applicant is that the commutation granted to him was in violation of the Rules

on the subject. He has, therefore, approached this Tribunal seeking the following relief:-

- “(A) To declare that the commutation made with reference to original pension is unjust and irregular.
- (B) Direct the respondents to grant second commutation based upon the pension drawn after the disciplinary case is over.
- (C) Direct the respondent to pay interest on the amount of commutation for delay.”

2. In their reply, the respondents have submitted that the commutation amount is calculated as per Government of India's decision (1) and (2) under Rule 5 of Appendix of CCS (Commutation) Rules, 1981, which read as follows:-

“(1) Permissible limit of commutation when part of pension is withheld – Under the Commutation Rules, a pensioner can commute 1/3rd that has been granted under the rules. When a part of pension is withheld or withdrawn under Article 351, CSR [Rule 8, CCS (Pension) Rules, 1972], the residual amount is the amount that has been granted under the rules from the date of withholding of a part of the decision.

(2) Maximum limit increased to 40% from 01-01-1996 – A Govt. servant shall be entitled to commute for a lumpsum payment upto 40% of his pension. Accordingly, provisions of sub-rules 5(1) and 5(2) of CCS (Commutation of Pension) Rules, 1981, shall stand modified. The other provisions of these Rules shall continue to apply.”

2.1 The respondents have further submitted that the applicant had made a representation to CPMG, Delhi Circle on 12.01.2015 for sanction of second commutation. His case was once again examined and it was found that the commutation amount sanctioned to him was correct and needed no revision. They have also submitted that commutation was given on the basis of original pension. Also, there was no provision in the Rules for sanction of second commutation.

3. I have heard the applicant in person and the learned counsel for the respondents Sh. Ranjan Tyagi. On page-7 of the paper-book, an application of the applicant regarding commutation amount is available. In the aforesaid

application, the applicant has stated that he has been paid a total commuted amount of Rs. 3,47,863/- instead of Rs. 3,54,600/-, which would have been the correct amount according to his calculation. At pages 16-17 of the paper-book PPO of the applicant as well as commuted value payment authority is available. The applicant has not indicated any infirmity in these papers except for saying that the commuted amount should be Rs. 3,54,600/- instead of Rs. 3,47,863/-. The respondents have asserted that they have on the representation of the applicant once again checked their calculation and have found the same to be correct. The applicant himself except for making bald assertion that the respondents have erred in calculating the commuted amount has not produced any calculation sheet or any other evidence in support of his case. Further, I agree with the respondents that there is no provision in the rules for sanctioning second commutation, as asked for by the applicant.

4. Under these circumstances, I do not find any merit in this O.A. and dismiss the same. No costs.

**(Shekhar Agarwal)
Member (A)**

/Vinita/