

**Central Administrative Tribunal
Principal Bench**

**CP-375/2015
In
OA-1644/2012
MA-3617/2016**

New Delhi, this the 03rd day of January, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)**

S.S.R. Sharma,
S/o late Sh. Krishna Gopalji Sharma,
R/o 170-B, Indira Colony, Bani Park,
Jaipur-322016.

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Petitioner

(By Advocate : Sh. L.R. Khatana)

Versus

Major General Dilawar Singh,
Director General,
Nehru Yuva Kendra Sangathan,
Core-IV, IInd Floor, Scope Minar,
Laxmi Nagar, District Centre,
Vikas Marg, Delhi-110092.

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Respondents

(By Advocate : Sh. R. Ramachanderan)

ORDER(ORAL)

Hon'ble Mr. Justice Permod Kohli

Vide order dated 16.11.2017, it was observed that the directions of the Tribunal have not been fully complied with. Respondents were accordingly directed to file an affidavit in respect

to the amount of interest payable on the pension. Consequent upon that, compliance affidavit has been filed on 02.01.2018.

2. In Para 9 of the compliance affidavit, it is stated that the interest has now been paid from 01.12.2008 till August, 2017. The respondents have also passed an order dated 01.01.2018 in this regard (Annexure R-1 to the compliance affidavit) to justify the payment of interest from 01.12.2018. It is stated by learned counsel for the respondents that on account of 6th Pay Commission recommendations, revised pension was sanctioned vide order dated 01.09.2008 though retrospectively the pension became payable from 01.01.2006. It is submitted accordingly that so far the question of payment of interest is concerned, the payment of pension being retrospective, no interest becomes payable on the revised amount of pension from 01.01.2006 to 01.12.2008 when the 6th Pay Commission was actually implemented. He submits that though order revising the pension was issued on 01.09.2008, it, however, takes about three months to implement the directions and therefore he wants to refer to a Government instruction. We are not concerned with the Government instruction at this point of time. However, we are of the considered view that in contempt proceedings, any Government instruction which may contradict the judgment of the Tribunal is not relevant. Therefore, we refuse to take such instruction on record at this stage. Whatever may be the

Government instruction, the revised pension becomes payable w.e.f 01.01.2006 by order dated 01.09.2008. Since the order is retrospective in operation, no interest on the quantum of the revised component of the pension becomes payable. However, the applicant would be entitled to interest on (un-revised) pension for the period from 01.01.2006 up to 31.08.2008 .

3. Learned counsel for the petitioner Sh. L. R. Khatana submits that he is not aware whether the interest has been paid on the un-revised amount of the pension or not. Be that as it may, the directions issued by this Tribunal vide order dated 28.11.2014 stands complied with, with the caveat that the dispute relating to the period 01.01.2006 to 31.08.2008 may be examined by the respondents as to whether interest on un-revised pension for this period has been paid or not.

4. In the event the applicant has not received interest he is at liberty to make representation to the respondents and in the event interest on the un-revised component of the pension has not been given, the same shall become payable in accordance with the direction of this Tribunal. Order dated 01.01.2018 sanctioning interest on the payment of pension arrear from 01.12.2008 to August, 2017 shall be modified so as to pay the interest on the revised pension w.e.f. 01.09.2008. The amount payable on such arrears of pension including the interest shall be released to the applicant within a

period of three months. In the event these directions are not complied with, the petitioner shall have the liberty to approach this Tribunal.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/