

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.2774/2015

Reserved on 05.05.2016
Pronounced on 09.05.2016

HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)

Ashok Kumar Kapoor,
S/o Shri Chanan Ram,
AC-3/23-C, Shalimar Bagh,
New Delhi-110088.

...Applicant

(By Advocate: Mr. Prashant Singh)

VERSUS

1. Vice-Chairman,
Delhi Development Authority,
Block -B, 1st Floor, Vikas Sadan,
New Delhi.

2. Shri Venkatesh Mohan,
Finance Member,
Delhi Development Authority,
Block-B, 1st Floor,
Vikas Sadan, New Delhi.

...Respondents

(By Advocate: Mr. Arun Birbal)

:ORDER:

The applicant, who had joined the Delhi Development Authority (DDA) as a Stenographer on 03.10.1970 and superannuated as a Senior Private Secretary on 31.07.2009, had been placed under suspension on 15.11.2000 and was paid provisional pension on his superannuation.

2. The Government of India in the Ministry of Personnel, PG & Pensions (Department of Pension & Pensioners' Welfare) issued an OM No.38/6/2010-P&PW(A)(Pt.) dated 18.03.2013 (Annexure A with OA), which is reproduced as under:

"Sub: Revision of provisional pension sanctioned under Rule 69 of the CCS (Pension) Rules, 1972.

The undersigned is directed to say that in pursuance of Government's decision on the recommendations of Sixth Pay Commission, orders for revision of pension of pre-2006 pensioners w.e.f. 1.1.2006 have been issued on 1.9.2008.

The following categories of pensioners were entitled to provisional pension as in the pre-2006 pay-scale:-

- a) Employees suspended before 2006 and also retired before 1.1.2006
- b) Employees suspended before 2006 but retired after 1.1.2006
- c) Employees who retired before 1.1.2006 and against whom departmental/judicial proceedings were pending at the time of retirement.

It has been decided that in all the above cases, the provisional pension sanctioned under Rule 69 of CCS (Pension) Rules, 1972 will be revised in terms of this Department's OM No.38/37/08-P&PW(A) dated 1st September, 2008 as clarified/modified from time to time. An illustration regarding revision of provisional pension sanctioned under Rule 69 of CCS (Pension) Rules 1972 before 1.1.1996 is enclosed.

As regards revision of provisional pension in case of employees who are drawing provisional pension in 4th CPC scales, their provisional pension would be brought over to 5th CPC and thereafter to the 6th Central Pay Commission and their provisional pension would be revised in accordance with the instructions contained in DoP&PW OM NO.38/37/08-P&PW(A) dated 1st September, 2008 as clarified/modified from time to time.

This issues with the approval of Department of Expenditure, Ministry of Finance ID No.61/E.V/2013 dated 4th January, 2013 and No.214/E.V/2013 dated 16th January, 2013."

3. On 20.10.2014, the DDA issued the Circular No.22/2014 (Annexure A with Reply), which reads as under:

"The undersigned has been directed to convey that Office Memorandum No.38/6/2010-P&PW(A)(Pt.) dated 18.03.2013 issued by the Director, Department of Pension & Pensioners' Welfare, Ministry of Personnel, PG and Pensions, Government of India (copy enclosed) regarding revision of provisional pension sanctioned under Rule 69 of the CCS(Pension) Rules, 1972 would also be applicable in DDA in the same manner."

4. On 21.11.2014, the applicant's pension was accordingly revised, revised bank advice issued and arrears also paid on 25.11.2014.

5. The applicant, through the instant OA, seeks payment of interest @18% for the period of the alleged delay in payment of the revised pension, the said period being from 18.03.2013 to 21.11.2014.

6. I have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given my thoughtful consideration to the matter.

7. It is well-settled that one is entitled to interest at a reasonable rate for the period of delay in payment of one's retiral dues.

8. The crucial question in the instant case is as to whether there was delay in payment of the revised pension to the applicant. The contention on behalf of the applicant is that the aforesaid OM dated 18.03.2013 applied to the DDA

employees/pensioners from that very date and the applicant's pension was revised after a gap of 20 months.

9. Per contra, the contention on behalf of the respondents is that the DDA is an autonomous statutory body and the OM of the Central Government do not automatically apply to DDA employees; the same apply only after the DDA adopts them and directs their application to its employees. The Central Government's OM of 18.03.2013 was made applicable in the DDA only w.e.f. 20.10.2014 (vide Annexure A with Reply). Hence, there was no delay in the matter of revision of pension of the applicant, as the same was done on 21.11.2014.

10. I find substance in the aforesaid submission made on behalf of the respondents. The date on which the DDA came to know about the Central Government's OM dated 18.03.2013 would not be relevant, as no relief has been claimed against the date of the DDA's Circular of 20.10.2014 (Annexure A with Reply) or the tangible time lag between the Central Government's OM dated 18.03.2013 and the DDA's Circular dated 20.10.2014.

11. Therefore, in my view, the OA is devoid of merits. The same is hereby dismissed. No order as to costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

/jk/

