

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

OA No.3653/2018

New Delhi, this the 26th day of September, 2018

Hon'ble Ms. Pradeep Kumar, Member (A)

Suresh Sharma,
Retired Additional Controller (Admn.), NTRO
Aged 64+ years (Senior Citizen)
S/o Late Shri O.P. Sharma
R/o 305, Pink Apartments,
Sector 18-B, Dwarka, New Delhi-110078.

....Applicant

(Present: Mr. Suresh Sharma, applicant in person.)

Versus

1. National Technical Research Organization
Through its Chairman
Block -III, Old JNU Campus,
New Delhi-110067.
 2. Joint Secretary (Admn.)
National Technical Research Organization
Block -III, Old JNU Campus,
New Delhi-110067.
 3. Dy. Director (Est.-1)
National Technical Research Organization
Block -III, Old JNU Campus,
New Delhi-110067.
 4. Shri Kailash Nath Tiwari
Accounts Officer,
Directorate of Audit and Accounts
National Technical Research Organization
Block -III, Old JNU Campus,
New Delhi-110067.
- .. Respondents

(Present: Mr.Rohit Sehrawat for Mr. Hanu Bhaskar)

ORDER (ORAL)

The applicant- Shri Suresh Sharma, had appeared in person and pleaded that he had retired on 30.06.2014 and since a Disciplinary Proceeding was pending against him, the Department has paid him the provisional pension. The Disciplinary Proceeding came to close on 19.07.2018. Thereupon the respondents had paid commuted pension against 40 percent value of the pension and the same has been credited to the applicant's bank account on

16.08.2018. However, the reduction towards 40 percent of pension has been made applicable with effect from 01.07.2014 as the same is against violation of Rule 6 (1) (b) of the CCS (Commutation of Pension) Rules, 1981, which reads as under:-

“(b) in the case of an applicant who is drawing pension from a branch of a nationalized bank, the reduction in the amount of pension on account of commutation shall be operative from the date on which the commuted value of pension is credited by the bank to the applicant’s account to which pension is being credited.”

2. Grievance of the applicant in the present OA is that he has already made a representation on 17.08.2018, pleadings that as per above rule, the 40 percent reduction from pension can be made with effect from the date the commuted value of pension was credited to the applicant’s account, ie. w.e.f. 16.08.2018 and not from 01.07.2014. The said representation is yet to be decided.

3. Mr.Rohit Sehrawat proxy counsel for Mr. Hanu Bhaskar appeared on behalf of the respondents and mentioned that representation of the applicant is under consideration with the respondents.

4. Accordingly, the OA is disposed off at the admission stage, itself, without going into the merits of the case, with a direction to the respondents to decide the said representation dated 17.08.2018 of the applicant, by passing a speaking and reasoned order, within a period of eight weeks from the date of receipt of a certified copy of this order. Needless to add that in case any dispute to the same still remains, the applicant will be at liberty to approach the Tribunal again.

Order dasti.

(Pradeep Kumar)
Member (A)

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