

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

OA-1443/2016

Reserved on : 27.09.2018.

Pronounced on : 01.10.2018.

Hon'ble Ms. Praveen Mahajan, Member (A)

Sh. Gajendra Singh, 66 years
Group-D, Parcel Porter
S/o Sh. Kalam Singh,
House No. 482, Gali No.9,
C-Block, West Vinod Nagar,
Delhi.

.... Applicant

(through Sh. S.K. Jha, Advocate)

Versus

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi-110001.

2. The Sr. Divisional Personal Officer,
DRM Office, State Entry Road,
Northern Railway, New Delhi.

.... Respondents

(through Sh. Kripa Shankar Prasad, Advocate)

ORDER

The applicant retired as Parcel Porter from Northern Railway, Delhi on 31.08.2010. As a result of 6th Central Pay Commission, payment of pay arrears of 40% was duly approved for the period 01.01.2006 and 31.08.2008. Accordingly, the applicant received Rs.21,120/- from the respondents. The remaining 60% of the arrears

were to be paid to him in the year 2009-2010, totaling an amount of Rs.40,428/-..

2. The applicant states that despite repeated representations dated 08.07.2011, 27.09.2013 and 02.07.2015, the amount of 60% of arrears has not been paid to him. The respondents vide their communication dated 24.07.2015 informed the applicant that the said amount has been paid along with others on 01.11.2009. He was asked to contact the Divisional Cashier, Delhi in case he has not received the said amount.

3. The respondents vide their letter dated 25.01.2016 state that the request of the applicant for release of 60% of the pay arrears as recommended by 6th Central Pay Commission was sent to the Accounts Department, who further informed that the said amount stood deposited in Staff Benefit Fund. Hence, the payment has been denied to the applicant.

4. During the course of hearing, these very facts were reiterated by both sides.

It is indeed unfortunate that a lowly paid employee like the applicant has been treated so shabbily by the respondents and denied reimbursement of 60% of pay arrears duly approved and recommended by Government of India, which are his rightful dues. The learned counsel for the respondents tried to defend the action

of the respondents by stating that the sanctioned amount was lying with the Accounts Department and it was for the applicant to pursue the matter and receive the duly sanctioned amount after completing certain procedural formalities. This line of argument, to my mind, is totally unacceptable. Rather than rectify the error, the respondents are trying to assert dogmatically, that their erroneous action is justified.

5. The applicant superannuated on 31.08.2010 and started asking for 60% of arrears of pay w.e.f. 08.07.2011 onwards. It was for the respondents to ensure that this amount of Rs.40,428/- is paid to him. The applicant is a pensioner with the respondents. The respondents are paying monthly pension to the applicant and obviously have the details of his Bank Account No. etc. The arrears due to the applicant should have been sent to him after following the due procedure, instead of taking the stand that the unpaid arrears have been deposited in the "Staff Benefit Fund". Even if the amount had been shifted to another head, erroneously, I am sure there is a procedure to withdraw the same and bring it under the appropriate head to make the rightful payment to the applicant.

6. The respondents should have looked into the matter seriously and fixed responsibility for this blunder which issue has been totally circumvented.

6. I have no hesitation in concluding that the applicant has been made to suffer for no fault of his. The respondents are directed to immediately release the payment of 60% pay arrears of 6th Central Pay Commission (Rs.40,428/-) to the applicant along with interest at GPF rates from the date when the said amount became payable. This exercise must positively be completed within a period of two months from today, failing which the interest rate will be enhanced to 12%. The O.A. is allowed. No costs.

(Praveen Mahajan)
Member (A)

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