

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00208/2017

DATED THIS THE 08TH DAY OF SEPTEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Dr. P. Venugopal Sarma
S/o PRK Sarma
Retd. Principal Scientist,
Aged 75 years,
Indian Council of Agricultural Research,
(National Institute of Animal
Nutrition and Physiology),
Audugodi, Bangalore 560 030
Now residing at
No. 2458, 14th A, 25th Main,
HSR Layout, Sector-I
Bangalore – 560 102.

... Applicant

(By Advocate Shri Ranganatha S. Jois)

Vs.

1. The Union of India,
Rep. by its Secretary,
Indian Council of Agricultural Research,
Krishi Bhavan,
New Delhi – 110 001.

2. The Director,
National Institute of Animal
Nutrition and Physiology,
Audugodi, Bangalore – 560 030.

3. The Union of India,
Rep. by its Secretary,
Department of Personnel
PG & Pension
III Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi – 110 003.

4. Indian Institute of Horticultural Research,
Hesarghatta Lake Post,
Bangalore – 560 089
Rep. by its Senior Accounts Officer.

...Respondents

(By Shri B.A. Chandrashekhar, Counsel for Respondent No.4)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The matter is in a very small compass. Following the exclusion of 33 years for full pension and bringing in a concept of 20 years of service for pension in the year 2014, it was held by the government that as on a retrospective basis pension will be recalculated and granted. Apparently the letter No. IIHR/Pension/309/2001-02-6289 dated 21.07.2017 is placed before us indicating that the Branch Manager, State Bank of India is directed to increase the pension to Rs.31,807/- from Rs.25,445/- with effect from 01.01.2006 plus Dearness Relief from time to time as admissible with effect from 01.01.2006. This settlement is the result of the retrospective operation of the provision and now the applicant claims that he should be granted interest on this amount.

2. It is to be noted that it is a special benefit of the government that a retrospective operation was placed on the reduction in the minimum working time of a government servant from 33 years to 20 years. Normally the applicant, as per the extant law pending on 01.01.2006, would have been only entitled to pro rata pension in accordance with 33 years minimum service required but that creation of a retrospective operation will not and cannot be said to create an obligation on the part of the government to grant interest also. Therefore while holding that the grievance of the applicant is settled, we do not think that interest is warranted in this particular case as by a special benefit only this has been granted to the

applicant which in accordance with the laws pending at that point of time the applicant was not entitled. The public exchequer cannot be touched unduly to grant largesse undeserved. Therefore we will reject the claim of the applicant for interest but hold that since the order of pension had been given the benefit shall accrue to him within 3 months next.

3. The OA is disposed off as above. No order as to costs.

(PRASANNA KUMAR PRADHAN)
SURESH)
MEMBER (A)

(DR. K.B.
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00208/2017

- Annexure-A1:** True copy of the order of Office Note No.NIANP/Estt/Sci/5-1/II/2730 dated 03.10.2001
- Annexure-A2:** True copy of OM No. 38/37/08-P&PW (A) dated 06.04.2016.
- Annexure-A3:** True copy of letter F.No.1-4/2014-Per.IV dated 02.06.2016.
- Annexure-A4:** True copy of representation of the applicant dated 25.02.2017.
- Annexure-A5:** True copy of the letter F.No.2-6(24)/Estt/2008-09/Vol.III/5708 dated 14.02.2017.
- Annexure-A6:** True copy of the letter F.No Pen.913/Audit/2002/4484-88 dated 17.02.2016.

Annexure-A7: True copy of the OM F.No.38/37/08-P&PW (A) dated 28.01.2013.

Annexure-A8: True copy of letter F.No.1-4/2009-Per.IV dated 30.01.2014.

Annexure-A9: True copy of the letter F.No. NIANP/Estt/Sci/5-1/II dated 29.07.2016.

Annexure-A10: True copy of the RTI letter F.No.3-82/12/Estt/33855 dated 13.01.2017.

Annexures referred in the reply statement

----Nil----
