

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO.060/00739/2016

Chandigarh, this the 19th day of January, 2018

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &

...

Kirpal Kaur Gill w/o Sh. Hardev Singh Gill, R/o House No.496, Village Khanpur, Tehsil Kharar, Distt. Mohali, (aged 67 years, Group-B).

.... APPLICANT

(Present : Mr. Navdeep Monga, Advocate)

VERSUS

1. Union of India through its authorized officer from the office of Central Pension Accounting Office, Department of Expenditure, Ministry of Finance, Govt. of India, Trikot-2, Bhikaji Cama Place, New Delhi, Pin-110066.
2. Punjab & Sind Bank through its General Manager, Central Pension Processing Cell (CPPC), Bank House, 21, Rajendra Place, New Delhi, Pin-110008.
3. Punjab & Sind Bank through its Branch Senior Manager, Village Landran Road, Tehsil Kharar, Distt. Mohali.
4. Accountant General (A&E), Union Territory of Chandigarh through its Accounts Officer, U.T., Sub-Offices, Sector 17, U.T. Chandigarh.

.... RESPONDENTS

Present: Mr. Ram Lal Gupta, counsel for respondent no.1.
Mr. Ranbir Singh, counsel for respondents no.2 & 3.
Mr. I.S. Sidhu, counsel for respondent no.4.

ORDER (Oral)**SANJEEV KAUSHIK, MEMBER (J)**

1. Heard learned counsel for the parties.
2. Present O.A. has been filed wherein applicant seeks following relief:-

“8(i) till date as per relevant and applicable rules applicant’s pension was to be increased/revised accordingly i.e. increasing of 5% in basic pension has to be added after attaining 65 years of age starting from 31.05.2014 in her account as per Punjab govt. rules adopted by U.T., Chandigarh Administration also i.e. as per in terms of Annexure A-5 as she completed 65 years of age on 31.05.2014;

- (ii). LTC to be sent in her pension account for the previous year’s i.e. for the year of 2009 and 2011 and in future on regular basis also;
- (iii). amount of Rs.1850/-+ interest may be refunded to the applicant as well as heavy costs shall be imposed upon the respondent no.2 & 3 for deducting/withdrawing the money from the applicant account as ‘Legal-notices charges’ without applicant’s permission & without consent of the applicant and without informing her.”

3. After exchange of pleadings, as per direction of this Court, the respondent Bank has filed affidavit wherein along with the calculation sheet, they have come with a plea that as per entitlement of the applicant, they have already granted her actual benefit by disbursing the same in her Bank account. Learned counsel appearing on behalf of the Bank submitted that the applicant was given 5% increase in pension from the date of her entitlement and not only this, she was also given the amount of LTC for block years 2009-11 and 2011-13, which the applicant has not disputed.

4. On the last date of hearing, counsel representing the applicant has sought time to have instructions from his client about the amount paid by the respondents to her. Today, he submitted that there is difference of Rs.707/- which the respondents have paid less. On this account, learned counsel for the respondent Bank submitted that applicant has firstly added interim relief on basic pension and then asking for that amount, but as per their calculation, they have paid DA @132%. Thus, he submitted that as per calculation, they have paid the entire amount to the applicant and calculation given by the applicant cannot be accepted.
5. I have heard learned counsel for the parties and are in agreement with the submissions made at the hands of the respondents that whatever is due to the applicant has been paid to her.
6. Learned counsel for the applicant also submitted that applicant be also awarded interest on the delayed payment.
7. Considering the above noted facts, that the respondents have admitted their fault in not making payment of amount due at the relevant time, which they have paid now after filing of present petition, therefore, I am of the considered view that they are liable to pay interest on the delayed payment from the date it is due till actual payment is made at the rate of 8% p.a. It is settled law of the land that if a person is deprived of to utilize his amount for the fault of the department/respondents then the other party is liable to pay interest as held in the case of **Associated Cement**

Co. Ltd vs Commercial Tax Officer, Kota & Ors., AIR 1981 SC
1887

8. Let the interest be paid to the applicant within one month from the date of receipt of a certified copy of this order.
9. The O.A. is disposed of in the above terms. Parties will bear their own cost.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 19.01.2018.
Place: Chandigarh.

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