

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/431/2013

Jabalpur, this Thursday, the 02nd day of May, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER

Abid Ali, S/o Late Shri Zahid Ali, aged about 57 years, R/o H.No. 788 Rani Durgavati Ward Muzawar Mohalla Garha, Jabalpur (M.P) – 482003
-Applicant

(By Advocate – Shri Rajesh Soni)

V e r s u s

1. Union of India through its Secretary, Ministry of Defence, Defence House, South Block, New Delhi 110001.
2. The Chairman, Ordnance Factory Board, 10-A, Shaid Khudiram Bose Marg, Kolkata, West Bengal 700001.
3. The Senior General Manager, Vehicle Factory, Jabalpur M.P.482009.
4. General Manager, Vehicle Factory, Jabalpur M.P. – 482009.
5. Chief Manger, State Bank of India, C.P.P.C. Govindpura Branch Premises BHEL, Bhopal M.P. 462011
- Respondents

(By Advocate – Shri S.S. Chauhan for respondents Nos.1 to 4 and Shri Vijay Tripathi for respondent No.5)

O R D E R (O R A L)

The applicant was working with the respondent department and he was compulsorily retired from service on 28.05.2008. He is aggrieved by delayed grant of pension.

2. The applicant has submitted as under:

2.1 He was compulsorily retired on 28.05.2008 (Annexure A-1).

2.2 He has brought out that the respondents have issued a letter dated 17.11.2009 and directed him to appear on 22.09.2009 to complete formalities regarding pension. Since it was not possible to comply with the order, he states that the action of the respondents is malafide.

2.3 He went to the Factory several times and he was not issued any gate-pass, which was deposited at the time of his compulsory retirement.

2.4 Learned counsel for the applicant submits that the applicant has approached this Tribunal in OA No.737 of 2011. In that O.A, MA No.779/2012 was filed for seeking interim direction to the respondents in which this Tribunal vide order dated 19.09.2012, directed the applicant to file application for provisional pension and other terminal benefits due to him. The applicant was able to fill in the form and then he started getting pension from 19.03.2013 belatedly.

3. He has sought for the following reliefs:

“8. Relief sought:

In view of the facts and ground mentioned above in Para 4 and 5 the applicant prays for following relief:

1. May kindly be directed to the respondents to pay the interest from 28.05.2008 to 19.03.2013 along with arrears of pension with 12 percent interest per annum.
2. Applicant humbly request to this Hon'ble Court be pleased to direct the respondents to pay rest of the amount arrears of 6th pay and amount of leave in casement along-with 18% interest.
3. That the applicant humbly prays to this Hon'ble court may kindly be directed to respondent to pay auxiliary cost Rs.5000/-.
4. Cost of the application be awarded in the favour of the applicant.
5. Any other order/orders, relief/relief's, which this Hon'ble court deems fit and proper, may kindly be also passed.
- 8.6 That the applicant humbly prayed to this Hon'ble Court may kindly be direct to the respondents to recalculate the entire dues and pay the interest from 28.05.2008 to 19.03.2013 with arrears, along-with 12% interest.”

4. The respondents Nos.1 to 4, in their reply, have submitted that the applicant was asked vide Registered A/D letters dated 26.09.2008 (Annexure R-1), 17.11.2009 (Annexure R-2) and 20.02.2010 (Annexure R-3) to appear before them on 07.10.2008, 22.09.2009 and any date respectively to complete formalities regarding pension. However, the applicant has not turned up to the Factory to fill in the forms. It was only after orders of this Tribunal dated 19.09.2012, the applicant appeared in the office on 21.09.2012 after which the pension papers were sent to the PCDA, Allahabad followed by remaindered thereof on 16.11.2012 (Annexure R-5). The PPO of the applicant was issued on 26.11.2012.

5. Respondent No.5, in its reply, has submitted that the PPO was received on 03.12.2012. Since the applicant had not submitted Life Certificate and letter of undertaking, therefore, letter dated 02.03.2013 was written to Garha Branch of the State Bank of India to ratify the position. Thereafter, they have released the pension and other retirement dues of the applicant in the month of March, 2013.

6. The applicant in his rejoinder has mentioned that letter dated 26.08.2008 (Annexure R-1) was forwarded only on 06.11.2008. Therefore, this letter is suspicious. Further, Annexure R-2 has been dispatched on 17.11.2009 and here also asked the applicant to appear on 22.09.2009, which is not possible.

7. Heard learned counsel for the parties and perused the pleadings available on record.

FINDINGS

8. It is seen that the respondents have written vide Annexure R-1, R-2 and R-3 to the applicant to appear in person. However, he did not appear before the authorities. It is admitted that Annexure R-2 was issued after the date when the applicant was called for filling up the form, but Annexure R-1 was issued on time. Further,

in Annexure R-3, it has been clearly stated that he can come on any working day.

9. From the above, it is very clear that the respondents, on their part, had repeatedly asked the applicant to come to the office to fill in the appropriate papers but the applicant did not do so. As soon as the pension forms were filled, PPO was issued in two months time. No delay is attributed to the Bank (respondent No.5).

10. Accordingly, I do not find any lapse on the part of the respondents regarding delay in paying the retiral dues. Therefore, the relief sought regarding interest on delayed grant of pension from 28.05.2008 to 19.03.2013 cannot be granted.

11. Regarding the issue of payment of 6th CPC arrears and leave encashment, it is found that neither the applicant nor the respondents have furnished any details regarding the same. Therefore, I am unable to grant any relief on the said issue based on the pleadings herein. However, it can safely be said that it should have been ordered to be paid on 26.11.2012 when the PPO was issued. Therefore, the respondents are directed to supply due and drawn statement to the applicant regarding the payment of arrears of 6th CPC and the leave encashment within a period of 30

days from the date of receipt of a certified copy of this order. In case the payment has been done after 26.11.2012, interest at the GPF rate shall be payable to the applicant from 27.11.2012 to the date of payment. This shall be paid, if due, within 60 days from the date of receipt of certified copy of this order.

12. O.A is disposed of accordingly. No costs.

**(Navin Tandon)
Administrative Member**

am/-