

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CRICUIT SITTING: BILASPUR

Original Application No.203/00143/2018

Bilaspur, this Monday, the 07th day of January, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Nakul Ram Diwan
S/o Late Shri Mahanguram
Aged 72 yrs.
Retired Postman
Village & Post: Baarula
Via: Gariyaband Raipur 492001

-Applicant

(By Advocate –**Shri B.P. Rao**)

V e r s u s

1. Union of India,
Through the Secretary
Ministry of Communication & IT
Department of Post Sanchar Bhwan
New Delhi 110001

2. The Sr. Supdt. Of Post Offices,
Raipur Division Station Road
Raipur 492001

3. The Dy. Director of Accounts (Postal)
Tikrapara Raipur 492001

- Respondents

(By Advocate –**Shri Vivek Verma**)

O R D E R (Oral)

By Navin Tandon, AM:-

The applicant was working as Postman and superannuated on 31.01.2006. His pension was fixed to Rs.3500/- w.e.f.01.02.2006 under Sixth Pay Commission. The Department of

Pension and Pensioners' Welfare vide their (DOPPW) Office Memorandum dated 10.12.2009 communicated the decision of the Government regarding full entitlement of pension on completion of 20 years of qualifying service.

2. The applicant submitted his representation on 07.11.2017 (Annexure A-2) claiming arrears for the difference in amount of pension from 01.02.2006 to 31.12.2015.

3. The respondents issued revised PPO dated 17.07.2017 (Annexure A-1) on which basis the respondents released Rs.2,51,290/- as arrears of difference of pension from 01.02.2006 to 31.12.2015 without any interest on delayed payment of arrears of pension.

4. The applicant has sought for the following reliefs:

“8. RELIEF SOUGHT:-

In view of aforesaid facts and grounds, the Applicant respectfully prays from the Hon'ble Tribunal as under:-

8.1 That, the Hon'ble Tribunal be pleased to call for records of Applicants' case from the possession of the Respondents for its kind perusal and to decide the grievance of the poor Applicant.

8.2 That, Hon'ble Tribunal be pleased to pass an Order, directing the Respondents to release 12% Interest on arrears of Revised Pension Amount paid to the Applicant from 01.02.2006 to 31.12.2015 in the interest of justice.”

5. The respondents, in their reply, have submitted that as per letter dated 14.07.2014 of Department of Posts, no interest is

payable on delayed payment of pension/commuted value of pension as per Clause 2(ii) of the said letter.

6. The respondents have made the following preliminary submissions:-

“The applicant Shri Nakul Ram Diwan has been retired from service w.e.f. 31.01.2006 and his pension was fixed to Rs.3500/- w.e.f. 31.01.2016 as per representation of applicant dated 07.11.2017 and DDA (P) Raipur letter No.RP/571/II/07-08/OW-4936 dated 19.12.2017/03.01.2018, pension revision case has been submitted DDA(P) Raipur vide this Office letter No.C3/Pension/NRD/Purak/2007 dated 09.01.2018 for further necessary action and pension of the applicant has been revised vide DDA(P) Raipur letter No.POSTAL/2015/CH/1648rpleg_gp/ow-5096 dated 16.01.2018 his pension was revised to Rs.4890/- w.e.f.01.02.2006 to 31.12.2015, Rs.251290/- towards the arrears of pension from 01.02.2006 to 31.12.2015 was credited into applicant’s saving account. There are no rules to pay any interest on arrears for difference amount of pension.”

7. We have heard the learned counsel for the parties and gone through the pleadings and documents available on record.

8. Learned counsel for the applicant relied upon the common order dated 28.09.2018 passed by this Tribunal in Original Applications No.203/00998/2017 and 203/01000/2017 wherein this Tribunal has placed reliance on the order dated 30.11.2011 passed by the Principal Bench of this Tribunal in Original Application No.948/2011 (**Jagdish Kumar vs. Secretary Department of Telecommunication & Anr.**), wherein the following has been ordered:

“6.6In the absence of any cut off date for paying the arrears, the reasonable time for paying the arrears is assessed as 3 months from the date of issue of the relevant orders.....Thus, the respondents should pay interest at the GPF rate of interest.....”

9. In the instant case, we find that the respondent department was prompt enough to take necessary steps after the receipt of the application of the applicant. However, the respondent department were supposed to take action of their own when the orders dated 10.12.2009 were issued by the DOPPW.

10. In respectful agreement to the orders passed by our coordinate Bench at Delhi, we direct the respondents to pay interest at GPF rate from three months after 10.12.2009 (date of issue of Office Memorandum) to the date of payment. This exercise shall be completed within a period of 60 days from the date of receipt of a certified copy of this order. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

kc