

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.1009/2003

New Delhi, this the 16th day of April, 2004

HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

Shri Khillu Ram son of Late Shri Pokhar Dass
Retired LSG Sorting Asstt. of RMS 'X' Dn. Jhansi,
Resident of H/No.680 Mayur Vihar Phase-I,
Delhi - 110 091
(Pocket-5), Address for service of notices,
C/o Shri Sant Lal, Advocate,
CAT Bar Room, New Delhi - 110 001
... Applicant
(By Advocate : Shri Sant Lal)

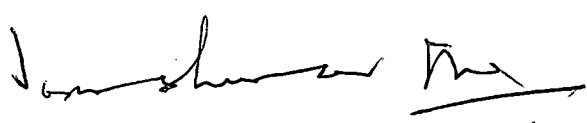
Versus

- 1. The Union of India, through the Secretary,
M.O. Communications, Deptt. of Posts,
Dak Bhawan, New Delhi-110 001
- 2. The Director of Accounts (Postal),
Civil Lines, Delhi-110054
- 3. The Director of Accounts (Postal)
U.P. Circle, Lucknow-226024
- 4. The Senior Postmaster Jhansi H.O.
Jhansi-284 001
.... Respondents
(By Advocate : Shri S.M. Arif)

O R D E R (Oral)


Heard.

2. This Original Application has been filed by the applicant with prayer that the respondents be directed to make the payment of arrears of commuted portion of his pension due from 12.9.1999 upto 9.1.2002, i.e., the date from which it has been restored. The applicant has also prayed that the respondents be directed to pay the difference of the amount commuted and the amount actually deducted from the pension as admitted by the respondents vide their letter dated 10.9.2002 and further that interest at penal rate in respect of the said amount be also paid to him on delayed payment of the said amounts for 10 months.



3. The applicant retired from Government service as LSG Head Sorting Assistant under RMS 'X' Division Jhansi on 31.12.1983 (AN) on attaining the age of superannuation. An amount of Rs.169/-, which constituted 1/3rd of his normal pension of Rs.507/-, was commuted from his pension as permissible under the Rules. However, actually an amount of Rs.171/- was commuted instead of Rs. 169/- w.e.f. 1.7.1984. The applicant has completed 15 years since his retirement w.e.f. 31.12.1983 (AN) and accordingly refund of the amount/arrears of commuted portion of his pension has become due from 12.9.1999 upto 9.1.2002. Representations had been made by him in the matter.

4. On perusal of the reply, which has since been filed by the respondents, it is observed that they have confirmed that an amount of Rs. 169/- was commuted out of his total pension. They have further confirmed that the actual amount deducted on account of commutation of pension was Rs.171/- instead of Rs.169/- inadvertently. They have since issued the sanction letter restoring the commuted portion of the pension. However, the same was not traceable in the relevant files of the respondents. It took some time before the Accounts Officer, who had been asked to intimate the date of payment of commuted value to the petitioner, could confirm the position. It now transpires that the commuted value has been paid to the applicant on 12.9.1994 vide DAP Lucknow letter dated 26.7.1984. They have, however, expressed surprise at the silence which the applicant maintained since 12.9.1984 since the date of restoration of the commuted portion of



the pension (i.e. for 15 years) over excess reduction of Rs.2/- from his pension towards commutation of pension. They have submitted that the applicant was authorised an amount of Rs.4,326/- due to restoration of his pension w.e.f. 12.9.1999 to 31.10.2001, as explained in paragraph-E of their reply, which was, in fact, not claimed by the applicant, though sanctioned vide respondents' office letter dated 13.11.2001. While applying for transfer of PPO to Delhi Circle, this aspect of the matter was not indicated by the applicant while making the said request. The respondents have, further submitted that the relevant records in connection with the transfer of the applicant's pension from Jhansi to Delhi were submitted to DAP, Lucknow on 27.4.2002. The PPO was transferred by DAP Lucknow to DAP Delhi Circle for effecting payment of his pension through Patparganj Sub P.O. under Accounts Jurisdiction of Krishna Nagar H.O., Delhi vide letter dated 21.10.2002. The break-up of the amounts thus paid to the applicant is given at page 3 of the counter reply.

5. While the applicant has no grievance now with the amounts paid to him as per the details as given in paragraph- G in the counter reply, he has still a grievance that he has not been paid interest on delayed payment on restoration of commuted value. The respondents have taken the position that there was no delay in paying the amounts as submitted in paragraph-G of the reply, as it took some time before the formalities for transfer of the PPO from DAP Lucknow to DAP Delhi were completed.



6. As regards the payment of Rs.4,326/- and the delay involved therein, the respondents have maintained that the amount representing restoration of his pension w.e.f. 12.9.1999 to 31.10.2001 had already been authorised for being paid to the applicant through S.P.M. Sipri Bazar, Jhansi vide letter dated 13.11.2001 and which remained unclaimed at the said Office, i.e., S.P.M. Sipri Bazar due to the fault on the part of the applicant. They have further submitted that onward pension etc. are being paid regularly to him. This aspect of the matter has not been disputed by the applicant.

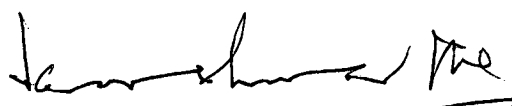
7. On perusal of the facts as submitted by both sides and after having heard the learned counsel for them, it is observed that the payment on account of arrears of commuted portion of applicant's pension due from 12.1.1999 as sanctioned has already been received by the applicant and further that the difference of the amount commuted and the amount actually deducted from the pension has also been received by the applicant. Delay in paying the said amount appears to have taken place in the process of correspondence between DAP Lucknow and DAP Delhi Circle for transfer of the PPO. On perusal of the facts which have been submitted in this regard, it is observed that the delay, whatsoever, caused in the process was not intentional and, therefore, the blame cannot be specifically placed at the doors of anyone concerned.

8. Under these circumstances and having regard to the fact that the payments sought by the applicant have already been made to him, I am inclined to allow this OA



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only partly to the extent that the respondents may look into the question as to how the payment of Rs.4,326/- due to the applicant on account of restoration of his pension remained unclaimed and in the process led to avoidable delay in the said amount reaching the applicant and to consider paying interest, if and as admissible under the rules, to the applicant on the specific delay, if any, in making payment of the said amount.


(SARWESHWAR JHA)
MEMBER (A)

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