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**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2754/2003

New Delhi this the *13th* day of July, 2005.

Hon'ble Shri Shanker Raju, Member(J)

Sh. B.C. Parcha,
S/o late Sh. C.S. Parcha,
R/o 20-Teliwara, Sahadra,
Delhi-92.

..... **Applicant**

(through Sh. T.C. Aggarwal, Advocate)

Versus

Union of India through

1. The Secretary to G/I,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi-1.
2. The Chief Producer,
Films Division,
24, Dr. Deshmukh Marg,
Bombay-400 026.
3. The Pay & Accounts Officer,
Dte. Of Advertising & Visual
Publicity etc., Ministry of Information
& Broadcasting, K.G. Marg,
New Delhi.
4. Sh. C.L. Dogra,
Sr. Administrative Officer,
Films Division, Soochna
Bhavan, New Delhi-3.

..... **Respondents**

(through Sh. R.N. Singh, Advocate)

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ORDER

The only relief pressed by the applicant is with regard to payment of interest on delayed retrial benefits.

2. Applicant was retired on superannuation on 28.02.2003 as a Technical Assistant. It is stated that with a result of mala fide, applicant's pension was delayed and PPO contained the name of his wife as Kamlesh Parchha, which stood revised to Smt. ^lKamla Devi as per Rule 54(2)(b) of the Pensions Rules, 1972. Referring to Annexures R-20 to R-22 annexed with the application, it is stated by learned counsel of the applicant that at the time of retirement applicant had submitted his family details which were accepted by the authorities. It is further contended that the name of the applicant's wife has been shown as Smt. ^lKamla Devi in CGHS as well as LTC advance whereas the said name has not been changed in the service book which remained as Kamlesh Parchha. It is stated that the revised family details were detached from the service book, which were accepted by the respondents in communication dated 19.06.2003.
3. Referring to the decision of the Apex Court in **Ramchandra Keshav Adke Vs. Govid Joti Chare & Others (AIR 1975 SC 915)**, it is stated that once power is given to do a thing in a particular way, that has to be done in

the same manner and other methods are to be forbidden. Learned counsel stated that despite due information, the GPF was received on 25.4.2003, leave encashment on 20.06.2003, insurance on 4.6.2003 and pension on 25.7.2003. Retiral benefits having been delayed entail interest in the light of decision of the Apex Court in **Vijay L. Mehrotra Vs. State of U.P. (JT 2000(5) SC 171)**.

4. On the other hand, respondents' counsel resisted the claim of the applicant and stated that prior to superannuation, family particulars are sought. The name of the wife of applicant and her date of birth has been changed by the applicant in all the forms submitted by him i.e. Form-3 under FR 54(12) of the Pension Rules ibid, there exists three names and two different dates of birth of his wife. Though he was asked to give 1st Class Magistrate Certificate but an affidavit attested by Notary was submitted.

5. In the above conspectus, it is stated that pension papers along with Form-3 dated 2.7.2003 were submitted to PAO where the name of his wife was shown as Smt. Kamla Parchha with date of birth as 19.8.1949. On scrutinization of all the papers by PAO, the name of wife as in Form submitted on 13.3.1975 was shown to be Kamlesh Parchha whereas in Form-3 submitted on 23.7.2002 the name of wife was shown as Smt. Kamla Devi. Accordingly, PAO has sought clarification vide letter dated 30.01.2003. Applicant submitted a reply, which was not found satisfactory

and instead furnished required documentary evidences. The applicant was again directed on 26.2.2003 to furnish correct affidavit. However payment of gratuity and commutation was paid to the applicant.

6. I have carefully considered the rival contentions of the parties and perused the material placed on record.

7. In my considered view, the applicant vide letter dated 30.1.2003 was sought clarifications as to the name of his wife Smt. Kamla Devi whereas in nomination papers it is Kamlesh Parchha. Applicant had filled up Form-3 on 11.7.1985 showing the name of his wife as Kamlesh Parchha and in Form-3 on 23.7.2002 as Smt. Kamla Devi. Applicant has duly filed an affidavit as sought by the respondents.

8. FR-53 regarding nomination Sub Rule (5) provides that a government servant may, at any time, cancel a nomination by sending a notice in writing to the Head of Office, which had already been complied with by the applicant in 2002.

9. The decision of the Apex Court in **Ramchandra Keshav Adke's case (supra)** holds a proposition that if a thing is to be done in a particular manner that should be done in that way and no other method can be adopted. As per rules, the applicant had changed the name in 2002, which were not incorporated by the authorities in nomination forms and other relevant documents. With the result, the retrial benefits have been delayed. The

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aforesaid delay is not at all attributable to the applicant in any manner, as applicant has acted in accordance with law. Moreover, there is no valid explanation of the respondents and, on flimsy grounds, the formalities are directed to be completed by him.

10. In this view of the matter, having regard to the decision in **Mehrotra's** case (supra), this OA is allowed. Respondents are directed to calculate interest at the simple rate of 6% p.a. upon the delayed payment of retrial benefits. They are further directed to pay interest to the applicant within three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member(J)

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