

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/266/2019**

**Date of Order: 14.08.2019**

Between:

Kattula Vasantha Rao S/o Sri Venkanna, Group `A`  
Aged 66 years, Occ: Retired Sr. Accounts Officer (TRA)  
R/o H.No.18-1048, Ashoknagar, Miryalaguda  
Nalgonda District, Pin-508207, Telangana State .... Applicant

AND

1. Union of India, Rep. by its Secretary  
Ministry of Information & Technology  
Department of Telecommunications  
Sanchar Bhavan, 20, Ashoka Road  
New Delhi – 110 001.
2. The Principal Controller of Communication Accounts  
Department of Telecommunications  
Kavadiguda, Telephone Exchange Compound  
Bolakpur, Hyderabad – 500 080.
3. The Chief General Manager Telecom,  
Bharat Sanchar Nigam Limited, Telangana  
Telecom Circle, Hyderabad – 500 001.
4. The General Manager (Finance)  
O/o the Chief General Manager Telecom  
(CGMT), Bharat Sanchar Nigam Limited,  
Telangana, Telecom Circle, Hyderabad – 500 001.
5. The General Manager Telecom  
Telecom District, Khammam  
Khammam District – 507 001. .. Respondents

Counsel for the Applicant ... Mr. G. Jaya Prakash Babu.

Counsel for the Respondents ... Mr. B. Laxman, proxy of Mrs. K.Rajitha, Sr. CGSC  
and Smt. Parvathi proxy of Smt. A.P.Laxmi, SC for BSNL.

**CORAM:**

**Hon'ble Mr. B.V. Sudhakar, Member (Admn.)**

## **ORAL ORDER**

2. The OA is filed for not granting Commuted Value of Pension (in short, CVP) as per date due.

3. Brief facts of the case are that the applicant, while working in the respondents organisation as Accounts Officer (Planning), was proceeded against on disciplinary grounds for causing pecuniary loss. A Criminal Case, bearing the number C.C.No.4/2006, was also filed in the CBI Court in regard to the same issue. The departmental inquiry was concluded by declaring the charges as not proved on 27.7.2010. Even in the criminal case, applicant was acquitted on 12.5.2016. Applicant retired from service on 31.7.2010 and at that time he submitted the relevant documents for grant of commuted pension and gratuity. However, commuted pension and gratuity were paid in January, 2018 with a delay of 7 ½ years. Applicant represented on 23.6.2017 and 8.11.2018 requesting to restore commuted portion of pension on 1.8.2025 instead of 16.11.2032 along with interest for delayed period in paying commuted pension. As it was not conceded, OA has been filed.

4. The contentions of the applicant are that the action of the respondents in not allowing commuted pension from the date of retirement is violative of Articles 14 and 16 of the Constitution of India. Rule 9 of the CCS (Pension) Rules, 1972 has been violated. Interest has

to be paid for the delayed period in disbursing commuted pension as per the decision No.3 of G.O.I under Rule 10-A of CCS (Commutation of Pension) Rules.

5. Respondents have not filed the reply statement despite being given ample opportunities to do so since March 2019. However, learned counsel for the respondents submitted a letter dated 23.4.2019, which is taken on record, responding to the averments made in the OA by the applicant. In the said letter respondents have stated that the first Commutation of Pension for a sum of Rs.7,67,942/- was paid on 16.11.2017 and the second one in May 2018 for a sum of Rs.69,813/- on 4.12.2018 after revision of Pension w.e.f. 1.10.2017 by reckoning two time-bound promotions and CAO promotion. Delay in releasing the commuted pension was due to court cases. Restoration of pension has to be effected after 15 years as per rules and, hence, the years 2032 & 2033 have been indicated.

6. Heard both the counsel and perused the pleadings on record.

7. I) As can be seen from the details of the case, applicant was acquitted in the Criminal Case on 12.5.2016, and in the disciplinary inquiry charges were held as not proved on 27.7.2010, whereas the first commutation of pension and the second commutation of pension were effected on 16.11.2017 & 4.12.2018 respectively. Applicant has

sought commutation of pension on eve of his retirement in July 2010. The same could not be considered since the criminal case was pending. To this extent, the respondents action is as per rules since it was due to the conduct of the applicant that the criminal case has been filed and it was pending as on date of retirement. However, once he was acquitted in 2016 commutation of pension could have been processed promptly and paid. Instead, pension commutation was allowed with some time lag.

II) Commutation of pension is in effect an advance payment of certain part of the pension. Restoration of pension has to be done after 15 years of commutation as per Rule 10-A of CCS (Commutation of Pension ) Rules. On acquittal, applicant was eligible for commutation and for not doing so, applicant is claiming interest in delaying the commutation of pension. Penalising the applicant for delays within the respondents organisation is a moot point to be considered by the respondents. Antedating the commutation as demanded by the applicant from the date of retirement is incorrect since the judicial proceedings were pending as on that date. Hence, the only question to be examined is the interest that has to be paid on the entitled commutation amount for the period from the date of acquittal till the date of payment as per G.O.I Decision No.3 under Rule 10-A of CCS (Commutation of Pension) Rules

(Annexure A-6). Further, applicant has represented on 23.6.2017 and 8.11.2018, which have not been disposed till date.

III) Therefore, keeping the above in view, respondents are directed to dispose of the representations of the applicant by issuing a speaking and a reasoned order within a period of 8 weeks from the date of receipt of this order. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 14<sup>th</sup> day of August, 2019

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