IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25266 of 2024
Reserved on: 30.09.2024
Pronounced on: 18.11.2024

Chandigarh Administration and others ....Petitioners

V/s

Central Administrative Tribunal and others ....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Madhu Dayal, Advocate with
Ms. Shubreet Kaur, Advocate, for the petitioners.

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VIKRAM AGGARWAL, J.

1. Challenge in the instant writ petition is to the order dated 14.12.2023 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, vide which the Original Application (OA) filed by respondent No.2 was allowed and the petitioners were directed to pay interest to respondent No.2 @ 6% per annum on the amount accrued to him on revision of pension with effect from 01.08.2008 till the actual payment was made, within a period of two months.

2. Respondent No.2 Randhir Singh retired as Lecturer (Geography) on 31.07.2008 from the Government Model Senior Secondary School, Sector 21, U.T., Chandigarh. The commutation of pension was sanctioned on 21.11.2008. The basic pension was fixed at Rs.6166/- per month. The commuted pension was calculated as Rs.2466/- per month and, therefore, the pension payable after commutation was Rs.3700/- per month.

This pension was to be disbursed through respondent No.5 i.e. State Bank of India, Sector 10, Chandigarh.

3. Respondent No.2 preferred an original application before the Central Administrative Tribunal, Chandigarh Bench, claiming Rs.8,68,893/- on account of interest @ 24% per annum on delayed payment of Rs.3,50,608/- in view of revision of pension which was paid after a delay of 10 years, 3 months and 26 days. Since respondent No.2 was not getting full pension, he submitted communications dated 21.04.2018 (Annexure A-3) and 02.05.2018 (Annexure A-4) requesting for release of pension as per the latest circular of Chandigarh Administration. In response, he received a letter dated 04.05.2018 (Annexure A-5), stating that his pension had already been revised vide order dated 02.07.2010 in view of revision of 5th Pay Commission with effect from 01.01.2006.

4. Letters dated 09.07.2018 (Annexures A-6 and A-7) were also written by respondent No.2 with regard to payment of pension followed by another letter dated 13.07.2018 (Annexure A-8) in response to which, he received communication dated 21.08.2018 (Annexure A-8A) revising his pension from Rs.6166/- per month to Rs.9622/- per month w.e.f. 01.08.2008. Commuted pension was also revised to Rs.3848/- per month. The commuted portion of pension @ Rs.1382/- was also restored along with the original portion of the pension of Rs.2466/-. It was the case of respondent No.2 that he was getting less pension to the tune of Rs.3456/- per month from 01.08.2008 to 27.11.2018 and his pension was revised w.e.f. 21.08.2018 i.e. after 10 years, 3 months and 26 days of his retirement.

5. The sum of Rs.3,50,608/- was received without any interest

leading to the filing of the original application.

6. The OA was opposed. The contesting respondents i.e. the Chandigarh Administration (respondents No.2 to 5 in the OA and petitioners herein) submitted a short reply opposing the claim of respondent No.2. It was averred that the pay-scales of Punjab Government employees were revised w.e.f. 01.01.2006 vide notification dated 27.05.2009, which was later on adopted by the Chandigarh Administration. After its adoption, the pay-scales of respondent No.2 were got revised from the office of the Accountant General vide sanction dated 02.07.2010 (Annexure R-1). It was averred that the revised pension case of respondent No.2 had been prepared and sent on 19.02.2018 and even subsequently after revision on 17.01.2020. The dismissal of the OA was also prayed for on the ground of limitation.

7. The Central Administrative Tribunal, allowed the OA, as has been mentioned in the opening part of this judgment, leading to the filing of the instant writ petition.

8. Learned counsel for the petitioner strenuously urged that the impugned order dated 14.12.2023 (Annexure P-1) is not sustainable because there was no fault at the end of the petitioners and further, interest could have been granted for a maximum period of three years prior to the filing of the original application. It was also submitted that revised pension had already been paid as per letter dated 21.08.2018 and, therefore, the award of interest by the Tribunal is unjustified. Learned counsel also submitted that the Tribunal had failed to consider the ground of delay as respondent No.2 had failed to raise his grievance in time.

9. Having considered the submissions made by learned counsel for

the petitioners, we find the writ petition to be devoid of merit. Respondent No.2 retired as Lecturer (Geography) from the Government Model Senior Secondary School, Sector 21, U.T., Chandigarh (petitioner No.4) on 31.07.2008. He was entitled to revised pay-scales w.e.f. 01.01.2006 and revised pension w.e.f. 01.08.2008 as per the recommendations of the 5th Pay Commission. As against this, the revised pension order was issued on 02.07.2010 mentioning that the pension/family pension would commence from 01.08.2008. However, despite this, the revised pension was not released to respondent No.2 and he was continued to be paid unrevised pension as per old pay-scales. It was only when respondent No.2 approached his school (petitioner No.4) vide communication dated 02.05.2018 that he was being paid pension as per the old pay structure that the matter was looked into. Respondent No.2 was then informed that his case for release of revised pension has been held up for want of bank details which were then supplied by respondent No.2. Accordingly, vide communication dated 21.08.2018, the pension of respondent No.2 was revised w.e.f. 01.08.2008. It, therefore, emerges that the pension of respondent No.2 was revised w.e.f. 01.08.2008 though vide communication dated 21.08.2018, meaning thereby that he was deprived of the amount that he was entitled to for a period of more than 10 years. The petitioners and the bank did not even bother to check up as to what pension was being paid to the retired employee little realizing that most of the times, employees are not aware of the intricacies of calculations. Considering the entire facts, the Central Administrative Tribunal rightly came to the conclusion that respondent No.2 would be entitled to interest on the delayed payment. It, therefore, rightly ordered payment of interest @ 6% per annum on the amount accrued to respondent No.2 on revision of pension w.e.f. 01.08.2008 till the actual payment was made.

10. We do not find any illegality in the aforesaid decision because there is an admitted delay in revision of the pension and its payment and that too for no fault of respondent No.2.

11. The issue of limitation would not arise, for the pension was revised on 21.08.2018 and payment was made without interest leading to the filing of the original application in 2019. It cannot, therefore, be said that there was delay in filing the original application.

12. The argument that interest could have been paid for a maximum period of three years is also devoid of merit. Learned counsel for the petitioners has not been able to point out any such provision restricting the period to three years, especially when the fault was at the end of the petitioners and not at the end of respondent No.2.

13. In view of the aforesaid facts and circumstances, we do not find any merit in the instant writ petition and the same is accordingly dismissed.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

Reserved on: 30.09.2024
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Whether speaking/reasoned: Yes

Whether reportable: Yes/No