

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

13.

O. A. No. 165 of 2011

Ex Sgt Vinod Prakash Sharma

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Petitioner in person.

For respondents: Mr. Ajai Bhalla, Advocate for R-1 to R-3.

None for R-4 & R-5.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S. DHILLON, MEMBER.

ORDER

28.03.2012

1. Petitioner by this petition has prayed that the Respondents may be directed to release remaining retirement benefits in respect of the Petitioner such as Individual Running Ledger Account (IRLA) balance and amount of leave encashment and Respondents may be directed to fix pay of the petitioner at par with the pay of his juniors with effect from 1st July 2006 with yearly increment on 1st July 2007, 1st July 2008, 1st July 2009 and thereby fix last pay drawn at Rs. 10,300/- and accordingly issue corrigendum PPO. He has also prayed that the Respondents may be directed to fix last pay drawn as Rs.9930/- in PPO as shown in IRLA-cum-Pay Slip for the month of February 2010 along with pay fixation and arrears statement, for 5th and 6th Pay Commissions and last pay drawn certificate and accordingly issue corrigendum PPO. He has further prayed that the Respondents may be directed to make the payment of interest @ 24% per annum for the period of

delay in making payment of retirement benefits with effect from 28th February 2010 till the date of its payment.

2. Petitioner was enrolled in Indian Air Force as an Airman on 8th February 1990. With the passage of time he rouse to the rank of a Sgt. and he was discharged from service on 28th February 2010 after completing his tenure of service. He was asked to complete his all papers for pensionary benefits and Petitioner completed all the papers which are required of him on 11th May 2009 but his pension was released to him on 30th September 2010. But at that time the Petitioner was not released his leave encashment and IRLA amount. He had been going from pillar to post but that was not released to him. Therefore, ultimately he is driven to file the present petition.

3. The Respondents have filed their reply and submitted that so far as the balance of the IRLA and leave encashment etc. is concerned that has been released to the Petitioner on 28th June 2011 amounting to Rs.1,71,952/- and all necessary corrigendum in PPO have already been undertaken. Therefore, now only question remains that who shall be held responsible for this delayed payment to the Petitioner. Normally we would not take serious note of this but this is not a single case which we have come across. We find that there are large number of cases where a person is not being paid his retirement benefits in time and that the incumbent has to either go for litigation or go from pillar to post. The Government has issued the orders that the papers for pension should be completed by the incumbent 9 months prior to his retirement and in fact in the present case it appears that the Petitioner has

already completed all the papers on 11th May 2009. Therefore all what is expected of the Petitioner, he has done it. But despite that the Respondents did not process his pension papers and did not release his pension at the time of his retirement on 28th February 2010. He had to wait for his service pension up to 30th September 2010. We fail to understand when all the papers have been completed why the Petitioner had to wait for another seven months to get his regular pension. This is not a solitary case and large number of cases has been coming before this Tribunal where this delay has been caused and sometime even correct amount is not paid to the incumbent. Despite the Government orders that all this exercise should be done 9 months prior to the date of retirement and all necessary records should be completed still the incumbent has to go from pillar to post and approach the Tribunal for filing such kind of petition. We fail to understand the reason behind it whether it is lethargy or any other consideration. Be that as it may, the fact remains that the incumbent when he retires is entitled to get his pension on the same day. This has been the directive of the Government by issuing various circulars from time to time. But despite this insensitivity of the bureaucratic staff defies it with all impunity. It is necessary that responsibility should be fixed on the persons who are responsible and they must be made to pay the costs or interest which has been accrued to the incumbent. In this case we record our displeasure and direct that the Petitioner shall be entitled to interest @ 12% per annum from 28th February 2010 till 30th September 2010 on the belated payment of the pension. He has been now released leave encashment and IRLA on 28th June 2011 i.e. Rs.1,71,952. He will be entitled to interest on this amount @ 12% per annum from 28th February 2010 till the actual payment of this amount on 28th June 2011. We record our displeasure

and direct that the responsibility of the persons should be fixed and the amount of the interest which has to be paid to the Petitioner shall be recovered from the person who is responsible for it. Apart from this we direct that Petitioner is entitled to costs of Rs.10,000/- and that will also be recovered from the persons who are responsible for delayed payment as we do not know who is responsible for it. A proper enquiry should be conducted by the Respondents and the responsibility should be fixed and the amount which is to be paid by the Government to Petitioner shall be recovered from their salaries.

4. With these directions, the petition is allowed with costs as aforesaid.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
March 28, 2012
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