

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani
----- Chairman
Hon'ble Mr. Rajeev Gupta
-----Vice Chairman (A)

**REVIEW APPLICATION NO. 05/DB/2020
IN CLAIM PETITION NO. 26/DB/2020,**

1. Managing Director, PTCUL, Vidut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun-248002. Filed by
2. Director (Finance.) PTCUL, Vidut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun-248002.
3. Director (H.R.) PTCUL, Vidut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun-248002.
4. General Manager (Finance.) PTCUL, Vidut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun-248002.

..... Respondents/ review applicants

VS.

1. State of Uttarakhand through Secretary (Home), Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
.... Respondent /opposite Party No.1
2. Chandra Singh Rawat, s/o Late Pratap Singh Rawat, r/o Maruti Vihar, Balawala, Dehradun..
.....Petitioner/opposite Party No.2.

Present: Shri Prashant Chamoli, Advocate for the respondents/
review applicants.
Sri Abhijay Singh Panwar, Advocate for petitioner/opposite party No. 2.
Sri V.P.Devrani, A.P.O., for the State.

JUDGMENT

DATED: JANUARY 11, 2021.

PER: RAJEEV GUPTA, VICE CHARIAMAN (A)

Heard Ld. Counsel for both the sides on review application.

2. There are certain mistakes apparent on the face of record, for which our earlier order dated 07.08.2020 passed in Claim Petition No. 26/DB/2020 needs to be reviewed.

3. It is clarified that the pension, D.A. thereon, commutation of pension and gratuity are to be paid by the Directorate, Treasuries, Pension and Entitlement and accordingly, operative part of this order needs to be modified. In addition, it is clear from the record that the delay, up to 14th January, 2020, *i.e.*, the date on which the pension papers were submitted by the petitioner to the department, was from both the sides. While the concerned officers of PTCUL did not care to supply the pension formats to the petitioner eight months before his retirement, *i.e.*, by 31st January, 2019 and they gave him the pension formats only on 18th April, 2019, the petitioner was also supposed to fill up these formats within the next two months as per the office memorandum of PTCUL dated 12.06.2014, *i.e.* by June, 2019. The respondent department was also required to issue reminder to the petitioner. The date of purchase of the stamp papers for filing indemnity bond by the petitioner is 19.09.2019, and even after that he had submitted the pension papers only on 14.01.2020. Keeping in view that the delay was on both the sides and even after delay on the part of the department, the petitioner could have filed the pension papers well in time, we hold that no interest is payable on the petitioner's retiral dues up to 14.01.2020.

4. According to office memorandum dated 12.06.2014 of PTCUL, the time prescribed for examination of pension papers, removal of defects/ objections, re-examination and disposal adds up to two months, meaning thereby that the pension papers should have been submitted to the Treasury by 14.03.2020, while the actual date of submission of these papers to the Treasury is 01.06.2020. The Respondent No.5 has attributed this delay to be not because of him but due to the delay on the part of the Controlling Officer, who gave the desired information after three reminders, which is internal matter of the PTCUL. The department is responsible to pay the interest on the retiral dues of the petitioner from 15.03.2020 to 01.06.2020.

5. The calculations made by the petitioner need to be reworked out, as the interest liability has changed now. Further, as per the position brought out in the hearing of the review petition, all the retiral dues of the petitioner have

been paid and only the interest part remains to be paid which is liable to be paid by PTCUL for the period 15.03.2020 to 01.06.2020.

6. The interest for this period on the amount of pension, commutation thereof and D.A. thereon will be payable @ simple rate of interest payable on GPF during the relevant period and the interest on the delayed payment of gratuity for the above period will be @ 8% per annum.

7. Interest, as above, be paid by PTCUL to the petitioner in claim petition no. 26/DB/2020, within a period of eight weeks from the date of presentation of certified copy of this order before Respondent No.2.

8. The order dated 07.08.2020, passed in claim petition no. 26/DB/2020 stands modified, as above.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 11,2021
DEHRADUN

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