(2004) 12 NCDRC CK 0003

In the National Consumer Disputes Redressal Commission

RAM SINGH VERMA — APPELLANT

Vs

PUNJAB NATIONAL BANK — RESPONDENT

Date of Decision : 07-12-2004

Acts Referred:

Citation : 2004 0 NCDRC 40

Hon'ble Judges : M.B.SHAH , RAJYALAKSHMI RAO J.

Advocate : PRAGATI NEEKHRA , K.J.S.KALRA

Judgement

1. HEARD the Leaned Counsel for the parties. A government employee is required to approach various forums for getting commuted value of pension for one or other reason from his counter-parts working in the department. The Petitioner retired from government service on 30.06.97. On 15.10.98 the office of the Accountant General, Haryana, Chandigarh passed an order that the Petitioner was entitled to get Rs.1,28,030/- as commuted value of pension.

2. IN our view, there was no justifiable reason for delay of one year and four months in passing the order granting commuted pension. In any set of circumstances, there was no justifiable ground for the Respondent Bank not to release the said amount immediately. Admittedly out of the said amount of Rs.1,28,030/- an amount of Rs.58,885/- was paid to the Petitioner on 18.11.98. Thereafter on 1.6.99, Rs.61,515/- was paid to the Petitioner. In this view of the delay in releasing the pension amount, Petitioner is entitled to recover compensation/damages or interest from the Bank for delayed payment. It would be open to the Bank to recover the same from the State of Haryana if there is any delay on the part of the officials of the State Government. Hence, the Respondent is directed to pay interest @ 10% from 1.10.97 to 15.10.98 on the commuted pension i.e on 1,28,030/-. Learned Counsel for the Respondent pointed out that the Respondent received the said amount only in the month of October,1998. If reimbursement is delayed by the State Government it would be open to the Respondent Bank to recover the same from the State Government on the basis of this order. As a policy it has been decided all over the country that

the pension should be released within a reasonable period of two to three months and if there is delay interest should be paid. This has not been done in the present case.

3. LEARNED Counsel for the Petitioner submitted that for the Bank, there was no justifiable ground for not releasing the entire amount in October/November 1998 and release of partial amount was totally unjustified. In our view, this submission also requires to be accepted. The Bank ought to have released Rs.1,28,030/- as soon as it received the letter from the office of the Accountant General, Haryana. However, Learned Counsel for the Bank submitted that there were two conflicting letters received by it and therefore, it could not release the said amount. If there were inconsistent instructions by the State to the Bank, it would be open for the Bank to recover the interest component from the State. Hence, we direct the Respondent Bank to pay interest @ 10% on the remaining amount of Rs.69,140/- from 18.11.98 to 1.6.99.

4. FURTHER , there is no justifiable ground shown by the Bank in withholding the balance amount of Rs.7,630/-. In this view of the matter, Bank is directed to pay the said amount with 10% interest from 15.10.98 till payment. In the result, impugned orders passed by the District Forum and by the State Commission in case A.No.716/2000 stand modified to the aforesaid extent. Revision Petition stands disposed of accordingly.