

**CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH**

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**Order Sheet**

Item no.: 67  
O.A./854/2024 (CHANDIGARH)  
[ COMMUTATION ]  
[ SENIOR CITIZEN ]  
Court No.: 2

No of Adjournment: 2

Order Dated: 29/08/2024

**INDER RAJ  
Vs  
BHARAT SANCHAR NIGAM LIMITED**

**For Applicant(s) Advocate :** SH. SANJAY KAUL

**For Respondent(s) Advocate :** SH. SANJAY GOYAL, SR. CGSC, SH. K.K. THAKUR

**Order of The Tribunal**

Heard learned counsel for both the side and perused the material available on file.

Learned counsel for the applicants prays for interim relief inter alia to stay further recovery of the commuted value of pension from applicants as has been done in similar cases by the Hon'ble High Court of Punjab and Haryana in the CWP No. 14003/2024 and 9426/2023.

The brief facts are that the applicants were working on different posts in BSNL in different SSAs such as DGM, Assistant Director, SSS, Chief Accounts Officer, CSS, STS, Phone Mechanic etc. under the office of respondent No. 5 and retired in the period of year 2008 to 2014. The applicants after retiring on superannuation are receiving monthly pension under the provisions of CCS (Pension) Rules, 1972. The provisions of Central Civil Services (Commutation of Pension) Rules, 1981 are applied to the

commutation of pension as well as with regard to the commuted value of pension and restoration of commuted pension on the expiry of period of commutation. It has been pleaded that the government servant, who has retired from the service can commute a portion not exceeding 40% of their monthly pension. The commuted portion of pension shall get restored after 15 years from the month following the month of commuted value of pension (CVP). The pension of the pensioner is proportionately reduced to the extent of the commuted portion from the date of receipt of lump sum commuted value by the pensioner.

The applicants have further pleaded that it has come to their notice that amount of commuted value of pension could be recovered in a period of 10 years, whereas, it has been recovered in a period of 15 years (i.e 180 installments). It is further submitted that the same got recovered in a period of 10 years and 8 months (i.e. 128 installments), therefore, the subsequent recovery of commuted value of pension from the monthly pension, amounts to unjust enrichment of the State at the cost of applicants/pensioners. The recovery of commuted value of pension is still going on, therefore, the same is required to be stayed.

The learned counsel for the applicants has vehemently prayed for interim relief. He has placed reliance on the various orders passed by the Hon'ble Punjab and Haryana High Court in the identical matters in CWP No. 14003/2024 and 9426/2023.

The respondents have been granted ample opportunities to file reply to the claim of interim relief i.e. seeking stay of recovery of commuted value of pension. But no reply has been filed by the respondents till date.

We have also noticed from the records that in the compliance of various orders passed by the Hon'ble Punjab and Haryana High Court, the Finance Department of Haryana vide communication dated 16.07.2024 decided to stop the recovery of commuted value of pension till the vacation of stay orders, from **all the pensioners** (including petitioners), who has completed 10 years of retirement or above.

Similarly, the Department of Finance, Government of Punjab has also issued the direction that "in order to avoid further litigation in the matter, State Government has now considered the issue and decided to stop the recovery of Commuted Value of Pension till the vacation of Stay Orders from all pensioners (including Petitioners) of State Government, who have completed 10 years of retirement or above."

We have given our thoughtful consideration to the facts of the case and heard learned counsel for both the sides. The applicants herein are also entitled for the same relief as has been granted by the jurisdictional High Court of Punjab and Haryana and by this Tribunal in **O.A No. 746/2024 titled as Krishna Devi and Ors Vs. Department of Telecommunication and Ors.** following the principal of parity and being homogeneous class. The relevant rules being in pari materia to that case, the prayer for grant of interim relief is liable to be accepted.

The prima facie case of interim relief is made out. The balance of convenience is in favour of the applicants. There shall be stay on further recovery of commuted value of pension from the applicants beyond the period of 11 years 5 months from the month of retirement. The respondents are directed to file reply in O.A within

a period of three weeks.

List the matter on 10.10.2024.

**Rashmi Saxena Sahni**  
**Member (A)**

**Suresh Kumar Batra**  
**Member (J)**

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