

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna – 15

File No **BHRC/COMP.** 2399/10

Case of **TULSI RAM PRASAD**

This matter relates to pension of applicant Tulsi Ram Prasad. He retired from Bokaro Steel Plant, Bokaro on 1.5.1998 and he was paid pension by the office of Regional Provident Fund Commissioner upto November 2006. The payment was stopped from December 2006. After a protracted correspondence he finally approached this Commission with the complaint. On notice the Regional Provident Fund Commissioner (Pension) Bihar appeared and the matter was adjourned at his instance on 29.7.2011. At the next hearing on 17.8.2011 the Commission was informed that the applicant is entitled to pension @ Rs.546 per month and his arrear entitlement has been calculated to be Rs.26,131. The Commission was told that payment got stuck on account of the fact that two PPOs had been issued with respect to the same account. There was also dispute about the quantum of pension.

The matter was finally heard in presence of the applicant and the Assistant Provident Fund Commissioner (Pension) Shri R.K. Sinha on 6.9.2011.

There is no dispute that the applicant was not paid any pension between December 2006 and August 2011. Shri R.K. Sinha tried to explain the non-payment – as indicated above. He however fairly agreed that the issues could have been resolved within a shorter time.

The only point for consideration is whether for non-payment of pension the applicant should be paid compensation. The explanation of the Department is not at all sufficient, and the Commission is satisfied that non-payment was the result of the latches on the part of office of the Regional Provident Fund Commissioner, if not deliberate. If there was any confusion it could have been sorted out within a reasonable time. It is not a case of delay of weeks or months – the applicant remained without payment for about five years. He was a low paid employee and considering the amount of pension it is not difficult to visualize the hardships which he must have suffered on account of non-payment. Non-payment of pay/pension results in financial hardships and therefore impinges on one's human rights. It is not possible to undo the past but the hardships can be somewhat compensated by awarding compensation which in the facts and circumstances is quantified at fifty thousand rupees.

The Commission would accordingly direct Regional Provident Fund Commissioner (Pension) Patna to pay sum of rupees fifty thousand as

compensation to the applicant within six weeks and submit compliance report by 31.10.2011.

Copy of this order may be sent to Regional Provident Fund Commissioner (Pension), Patna for compliance and the applicant for information.

Justice S.N. Jha
Chairperson