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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 166/2002

This the 5th day of December, 2002

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HON'BLE SH. V.K. MAJOTRA, MEMBER (A)

Dr. (Mrs.) Neeharika  
KD-91, Kavi Nagar,  
Ghaziabad (U.P.) 201002

(By Advocate: Sh. M.K. Bhardwaj)

Versus

1. The Commissioner  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110016.
2. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Delhi Region,  
JNU Campus,  
New Mehrauli Road,  
New Delhi-110067.

(By Advocate: Sh. H. Jairaman proxy for  
Sh. S. Rajappa)

O R D E R (ORAL)

Applicant is aggrieved for not receiving leave salary, encashment of leave, payment under GIS though her voluntary retirement had been accepted by the respondents w.e.f. 15.2.2001. After the pleadings were complete the learned counsel of both sides were heard on merits on 23.8.2002. The following orders were passed on that date:-

"The dispute relates to payment of interest on certain dues of the applicant, payment whereof has been delayed by the respondents. Learned counsel of the respondents Shri Rajappa drew my attention to Govt. of India instructions contained in Guidelines for determining delay in payment of gratuity in cases other than superannuation and payment of interest therefor under Rule 68 of the CCS (Pension) Rules, 1972. As per decision of the Government contained in these instructions in cases of retirement other than on superannuation and the applicant retired on voluntary basis where the payment of gratuity

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is delayed beyond six months from the date of retirement, interest should be paid for the period of delay beyond six months from the date of retirement. Learned counsel stated that the same provisions could be made applicable ipso facto to other dues as well. Learned counsel stated that the applicant had been transferred from Dadri to Sitapur on 10.5.2000. However, the applicant did not go on transfer. She remained on leave from 23.5.2000 to 15.2.2001. During this period, she applied for voluntary retirement which was accepted by the competent authority on 15.2.2001. Under Rule 448 of the CCS (Pension) Rules, the applicant furnished her pension papers and her case has been decided. She has been paid salary for the leave period from 23.5.2000 to 15.2.2001 vide a Cheque dated 21.2.2002 amounting to Rs.1,20,610/-. Similarly, she has been paid leave encashment for 113 days amounting to Rs.62,617/- vide Cheque No. 420812 dated 21.2.2002. Whereas these facts are not denied on behalf of the applicant, dispute is also related to payment of GPF and a Group Insurance amount. The learned counsel also stated that GPF amount along with interest amounting to Rs.4,80,298/- has been paid up to the month of March 2001 by Cheque dated 13.8.2001. Whereas the respondents are prepared to pay interest on salary for the leave period and leave encashment beyond a period of six months, settlement is also required to be made in respect of interest on GPF and Group Insurance amount. The applicant is directed to furnish a statement of amounts due under different Heads and the effective dates from which the interest is claimed. This statement should be supplied to the respondents within a weeks period. The respondents should furnish their reply on an affidavit within another two weeks time whereafter the case will be considered again."

2. The learned counsel for the respondents Sh. Jairaman stated that in pursuance to Tribunal's orders of 15.11.2002, respondents had filed an affidavit on 18.11.2002 and stated before the Court on 22.11.2002 that an amount of Rs.12,734/- towards interest has been handed over to the learned counsel of the applicant. The learned counsel of the applicant stated that applicant has submitted a statement on 28.11.2002 which indicates that whereas respondents should have paid to the applicant interest @ 18% for a period of 12 months on

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different dues like leave salary, leave encashment and amount of GIS as also on GPF, amounting to Rs.60,388/- but applicant has been paid a sum of Rs.12,734/- only and as such respondents have yet to pay him an amount of Rs.47,654/-

3. The learned counsel stated that in terms of Rule 11 (4) GID (2) below Rule 34 GPF Rules and Rule 12 and note thereunder, CPF Rules Annexure P-4 if accumulations in PF cannot be paid within one month after retirement or after the date of receipt of the application in the prescribed form due to administrative reasons, interest is payable on the balance upto 6 months for the period beyond one month. Interest can be allowed up to one year by the Head of Accounts Office and beyond that period by the immediate superior to the Head of Accounts Office. He further stated that on other dues as well similarly interest becomes payable after expiry of one month of the retirement.

4. On the other hand, learned counsel of the respondents stated that applicant was on leave between 23.5.2000 and 15.2.2001. During the same period, she applied for voluntary retirement which was accepted on 15.2.2001 and she was relieved on the same date. Learned counsel stated that the instructions quoted on behalf of the applicant relating to interest on GPF are available to the applicant only when an employee retires on superannuation. In the present case, the applicant had retired on voluntary basis. She was relieved on the same day when her retirement was accepted by the respondents. He drew my attention to instructions under Rule 68 of CCS (Pension) Rules relating to cases of "retirement other than on superannuation". In such cases Govt. have decided that "where the payment of gratuity in such cases is



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delayed beyond 6 months from the date of retirement, interest should be paid for the period of delays beyond 6 months from the date of retirement. Learned counsel stated that similar course of action can be applied in respect of payments other than gratuity.

5. In the present case, applicant had taken voluntary retirement. Obviously, Govt. has to have reasonable time to consider various claims of such a person. In cases of normal retirement a long period is available for consideration of pension papers with the Govt. In the matter of gratuity, dues on retirement other than on superannuation as per the instructions stated above, Govt. have a period of 6 months with them to consider the claim. For want of any specific instructions relating to various dues of cases of voluntary retirement shown on behalf of the applicant, I have no hesitation to <sup>accept</sup> ~~adopt~~ the instructions relating to gratuity on retirement other than on superannuation <sup>as valid</sup> ~~in~~ respect of other dues as well, which means that all dues in such cases <sup>would</sup> ~~be~~ attract interest only beyond a period of 6 months. In the present case, therefore, interest would be attracted from 15.8.2001 only. According to the counsel of the respondents, applicant had been paid interest in terms of instructions relating to payment of gratuity dues in cases of retirement other than on superannuation.

6. I find a great deal of force in the submissions of the learned counsel of the respondents and I do not find anything wrong with payment of interest on various dues beyond a period of 6 months. In my view claims of the applicant have been settled by the respondents in substantial terms.



7. Therefore, OA is dismissed. However, if the grievance of the applicant still persists on calculation of interest on the basis of the criterion stated above, she will have liberty to resort to recourse under law.



( V.K. MAJOTRA )  
Member (A)

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