

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(B)

OA 2172/2001

New Delhi this the 18th day of March, 2002

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Shri Jai Narain,
S/O Shri Dewak Ram,
R/O E-58, Najafgarh Extension,
New Delhi.

..Applicant

(By Advocate Shri G.S. Chaman)

VERSUS

1. Union of India through
Secretary, Ministry of Home
Affairs, Govt. of India,
Central Secretariat, North
Block, New Delhi.
2. Commissioner of Police,
Delhi Police HQs. I.P. Estate,
New Delhi.

..Respondents

(By Advocate Smt. Jasmine Ahmed)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

The applicant is aggrieved by the action taken by the respondents in issuing the charge to him dated 6.3.1995 which was pending at the time of retirement on superannuation from service w.e.f. 31.5.1994.

2. The applicant has submitted that even after his retirement from service as Sub Inspector (SI) with Delhi Police on 31.5.1994, he was only sanctioned provisional pension because of the delay in concluding the Departmental proceedings initiated against him by the charge dated 6.3.1995. When the case was taken up for hearing today, both the learned counsel have submitted that the aforesaid Departmental proceedings

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which were pending against the applicant have now been dropped by the competent authority by order dated 6.3.2002, copy placed on record. This order has been passed by the Government of India, Ministry of Home Affairs in which it has been stated, inter alia, that a decision has been taken to drop the Departmental proceedings initiated against the applicant on technical grounds.

3. In the light of the aforesaid order passed by the respondents dated 6.3.2002, what remains in the present application is the prayer of the applicant for grant of interest for non payment of retiral dues from 1.6.1994. He has prayed for grant of 24 % interest per annum on the arrears of pension since 1.6.1994, commutation of pension, gratuity and leave encashment which were payable to him on his retirement which has still not been paid.

4. Smt.Jasmine Ahmed, learned counsel for the respondents has submitted that the applicant was paid provisional pension from the date he had retired from service on superannuation w.e.f. 31.5.1994. She has also submitted that as the applicant has retired from service, the competent authority had to pass the orders on the Departmental proceedings initiated against the applicant ^{which} ~~was~~ Govt.of India, Ministry of Home Affairs, who ~~have~~ now taken a decision which was also conveyed to the applicant by the aforesaid order dated 6.3.2002.

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She has submitted that the Inquiry Officer's report in the Departmental enquiry proceedings was submitted on 21.3.95 on which ~~date~~ the applicant had made a representation on 21.4.1995. Thereafter, the relevant papers were forwarded to the Govt. of India, Ministry of Home Affairs/respondent No.1 for appropriate decision in the matter. She has submitted that in the light of the order issued by the respondents dated 6.3.2002, the remaining retiral benefits, including amounts prayed for by the applicant, shall be paid to the applicant in due course for which she has prayed that some time may be granted to them. She has submitted that the delay, however, has not been intentional but has been occasioned by the peculiar facts and circumstances of the case, which dealt with the events that had occurred after the death of the former Prime Minister in 1984 by way of riots etc. She has, therefore, submitted that no interest shall be payable in the circumstances of the case.

5. We have carefully considered the pleadings and the submissions made by the learned counsel for the respondents.

6. We note that this OA has been filed on 23.8.2001. The applicant has admittedly submitted his representation on the Inquiry Officer's report on 21.3.1995 on 21.4.1995. He has also retired from service on superannuation w.e.f. 31.5.1994. In the

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facts and circumstances of the case, we see force in the submissions made by the learned counsel for the applicant that there has been an inordinate delay on the part of the respondents in taking an appropriate decision in the matter which they have now finally taken by the order dated 6.3.2002. This order has been passed in pursuance of the Government of India, Ministry of Home Affairs letter dated 4/7.1.2002. This had been circulated by the Deputy Commissioner of Police (Vigilance) in his endorsement dated 14.2.2002 and clarification in the letter dated 1.3.2002. By this order, the respondents have taken a decision that as the applicant has since retired on superannuation on 31.5.1994, the Departmental proceedings initiated against him by order dated 7.2.1994 are dropped on technical grounds. In the circumstances of the case, as the applicant had retired on superannuation from service way back in May, 1994, a similar decision could have been taken by the competent authority much earlier, say at least one year after the receipt of the Inquiry Officer's report and the representation made by the applicant. However, we note that the applicant himself has considerably delayed filing the present application which has been done only on 23.8.2001.

7. Therefore, taking into account the facts and circumstances of the case, we consider it appropriate to

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partly allow the OA on the claims for interest on
retiral benefits to the following extent:-

(i) The respondents shall pay to the
applicant interest at the rate of 10 % per
annum on provisional pension with effect
from one year prior to the filing of the
present OA i.e. from 1.9.2000;

(ii) on leave encashment, he shall be
paid interest @ 10% per annum from 1.8.1994
i.e. two months from the date of
retirement;

(iii) on pension and Gratuity amounts,
he shall be entitled to interest @ 10% per
annum from 1.9.2000;

(iv) The above amounts due to the
applicant shall be paid to him within two
months from the date of receipt of a copy of
this order.

No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Vice Chairman (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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