

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 2240 of 2001

New Delhi this 21st day of August, 2002

Hon'ble Mr. Kuldeep Singh, Member (J)

Dr.C.R. Verma
S/o Shri Hardev Singh
R/o Village & P.O. Jharoda Kalan,
New Delhi-110 072.

..Applicant

By Advocate: Shri K.K. Sharma.

Versus

Government of NCT of Delhi

through

1. The Chief Secretary,
Govt. of NCT of Delhi,
Players Building, Delhi Secretariat,
I.P. Estate,
New Delhi-110 003.

2. The Director of Education,
Directorate of Education,
Government of NCT of Delhi,
Players Building, Delhi Secretariat,
I.P. Estate,
New Delhi-110 003.

..Respondents

By Advocate: Shri Ashwini Bhardwaj, proxy counsel
for Shri Rajan Sharma, Counsel

ORDER

The applicant has filed this OA seeking following reliefs:-

(i) Award interest @ 24% per annum on delayed payment of
retirement benefits w.e.f. 1.1.1994 till the date of payment
including the arrears of four increments due from 1.7.1990, 1.7.1991,
1.7.1992 and 1.7.1993 which were paid as late as 3.5.2001 owing
to the delay attributable to the respondents.

(ii) Award interest @ 24% per annum on arrears of pension
w.e.f. 1.1.1994 to 31.12.1995 till the date of payment.

(iii) Award compensation for the untold suffering, both mental
and physical, which the applicant underwent all these past seven
years, in favour of the applicant.

[Signature]

2. The facts in brief are that the applicant was working as a Vice Principal, Government Co-ed Secondary School, Mangolpuri, New Delhi and he has stated to have superannuated on 1.1.1994.. The applicant further alleges that few days before his retirement vide memo dated 20.12.1993 and 27.12.1993 ~~and 27.12.1993~~ disciplinary proceedings were initiated against the applicant on false and baseless grounds with mala fide motive at the instigation of certain officials, namely, Deputy Secretary (Vigilance) Shri D.R. Chopra and Administrative Officer (Vigilance) Shri V.K. S. Chauhan who were inimical towards the applicant and, therefore, the memos were issued in order to harass the applicant and to cause financial hardship. The applicant had earlier filed an OA 2807/99 claiming retiral benefits but this Tribunal vide its order dated 28.11.2000 (Annexure A-2) instead of directing the respondents to release the retiral benefits directed the respondents to expedite the enquiry and conclude the same. Now the enquiry has been completed and the payment has been discharged.

3. It is further stated that the applicant has been paid his retiral benefits consequent upon the conclusion of the disciplinary proceedings in favour of the applicant. However, the applicant claims that he is also entitled to the payment of interest on pensionary benefits as also on increments arrears which were paid to him in March, 2001, i.e., after more than 7 months delay.

4. In the grounds the applicant alleges that the departmental proceedings were initiated in December, 1993 and were concluded in favour of the applicant in February, 2001. because of the passive and callous disposition on the part of the respondents and thus this delay is totally attributable to them. It is the respondents who were remiss in their duty to conclude the departmental proceedings expeditiously, thus causing the applicant

h/s

harassment, mental torture and agony to the applicant so the respondents are entitled to pay interest.

5. The respondents are contesting the OA. The respondents allege that the retirement benefits has been paid after decision of the charge sheet. They further state that the charge-sheets dated 20.12.1993 and 27.12.1993 speaks of the misdeeds committed by the applicant during his service but it is denied that these charge-sheets were issued on false allegations. It is also denied that the charge-sheets are devoid of any merit. In any case it is pleaded that immediately ~~xxxxxxxxxx~~ on conclusion of the disciplinary proceedings the retirement benefits has been paid to the applicant so the applicant is not entitled to any interest.

6. I have heard the learned counsel for the parties and gone through the records of the case.

7. The learned counsel for the applicant has referred to a judgment reported in JT 1999 (2) SC359 entitled as Dr. Uma Agarwal Vs. State of U.P. and Another and submitted that since his retiral benefits has been delayed for about a period of 7 months so the applicant is entitled to interest at the rate of 24%.

8. I have gone through the judgment cited by the learned counsel for the applicant. The perusal of the head notes even would show that the Hon'ble Apex Court had desired that FR 58 which relates to preparation of pension papers that should be followed strictly and once the period is quite close to 10 months of retirement further time is not to be wasted in verifying the data and FR 59 also states that at least 10 months before the date of retirement the Head various issuing a certificate to Office shall take every steps by the Government and FR 68 requires of gratuity interest to be paid on delayed payment and the court further observed that if these instructions are followed strictly much litigation is avoided and retired Govt. servants will not feel harassed because after all, grant of pension is not a ~~right~~ but a right of the Govt. servant. Govt. is obliged to follow the rules. However, the learned counsel for the applicant conveniently ignored all these rules which requires the postponement of retiral benefits if departmental enquiry proceedings are pending or the vigilance clearance is not coming forth and in this

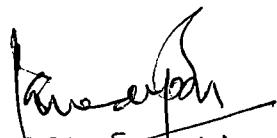
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case not only one but two enquiries were pending against the applicant and till the finalisation of the departmental enquiries the retirement benefits could not have been paid finally by the department unless the rules itself provided.

8. The facts as brought on record by both the parties do speak that immediately on conclusion of the enquiries in the month of February, 2001 ^{Retirement benefits were released to applicant by} so it appears that the department has acted with a considerable speed rather than delay in this case as the payments were made within one month after the conclusion of the enquiry.

9. No other contention has been raised before me.

10. In view of the above, I find that the OA has no merits and the applicant is not entitled to interest. Accordingly, the OA is dismissed. No costs.



(Kuldip Singh)
Member (J)

Rakesh