

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2583/2001

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New Delhi, this the 8th day of February, 2002

HON'BLE MR. M.P.SINGH, MEMBER (A)

Shri Rajbir Singh
Principal (Retd.)
Resident of 1449/104,
Durgapuri, Delhi-110093.

... Applicant
(By Advocate: Shri U.S. Chaudhary)

V E R S U S

1. Director of Education
N.C.T. of Delhi,
Directorate of Education,
Old Secretariat
Delhi-110054.
2. Govt. of N.C.T. of Delhi
Through its Chief Secretary
5, Sham Nath Marg, Delh.
3. Union of India
Through its Secretary
Ministry of Human Resources
Development, (Deppt. of Education)
New Delhi.

... Respondents

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to release and pay all the retiral benefits to him with interest at the rate of 12 per cent thereon.

2. Brief facts of the case are that the applicant, who was working as Principal in Govt. Boys Sr. Sec. School, Shivaji Park, Shahdra, Delhi-110032, retired on superannuation on 31.12.2000. The grievance of the applicant is that he has not been paid all his retiral dues at the

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time of his retirement. According to him, the payment of gratuity and leave encashment have been made to him on 10.10.2001 only. If the said amount had been paid to him at the time of retirement, i.e., 31.12.2000, he would have earned interest by investing this amount. Aggrieved by this he has filed the present OA claiming the aforesaid relief.

3. The respondents in their reply have stated that at the time of his retirement, the School, where the applicant was working, had requested the Administrative Officer, Vigilance Branch to make available the Vigilance Clearance Report in respect of the applicant to enable the respondents to process his pension case. However, the Vigilance Branch had informed the respondents that a complaint was pending against the applicant and, therefore, the applicant was granted provisional pension as admissible under the rules. According to the respondents, the details of the dues paid to the applicant are as under:-

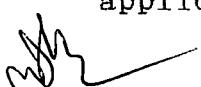
- "(i) GPF (Final) through Cheque No.481385 dated 8.1.2001 Rs.1,53,745/-
- (ii) Insurance (CGES) through Cheque No.483867 dated 31.3.2001 Rs.5128/-
- (iii) Provisional Pension through Cheque No.A-483897 dated 31.3.2001 Rs.23553/-
- (iv) Provisional Pension through Cheque No.A-812597 dated 10.5.2001 Rs.7992/-
- (v) Provisional Pension through Cheque No.A-813133 dated 8.6.2001 Rs.8295/-
- (vi) Provisional Pension through Cheque No.A-813496 dated 28.6.2001 Rs.7962/-

- (vii) Provisional Pension through Cheque No.A-814869 dated 20.9.2001 Rs.7962/-
- (ix) Gratuity and commutation through Cheque No.A-815302 dated 10.10.2001 Rs.521855/-
- (x) Leave Encashment through Cheque No.A-81533 dated 10.10.2001 Rs.1,33,035/-"

4. It is also stated by the respondents that they have taken all actions as admissible under the rules in the matter and settled his retirement dues as expeditiously as possible. The respondents have not been showing any laxity in the matter at any stage. Therefore, the applicant is not entitled for any relief and the OA is liable to be dismissed.

5. Heard both the rival contesting parties and perused the matters placed on record.

6. After perusing the records, I find that the amount of gratuity and leave encashment have been paid by the respondents only in the month of October, 2001 whereas the applicant had retired from service on 31.12.2000. Except these two items, all other retiral dues were paid in time. As per the Rules 68 of the CCS (Pension) Rules, 1972, if there is a delay in payment of gratuity, the Govt. servant is entitled for payment of interest thereon. In the present case also there has been a delay of about 10 months for releasing the amount of gratuity and leave encashment of the applicant and the delay has not been caused due to any fault of the applicant.



Therefore, the applicant is entitled for the payment of interest on the amount of gratuity as well as leave encashment by the respondents.

7. In the circumstances, I feel that the ends of justice will be duly met, if the respondents are directed to pay the interest on gratuity and leave encashment in accordance with Rule 68 of CCS (Pension) Rules, 1972 and at the rate as admissible on the GPF deposits from the date it was due till the date of actual payment made to the applicant.

8. With the aforesaid observations, the present OA is disposed of. No costs.


(M.P.SINGH)
MEMBER(A)

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