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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3262/2001

New Delhi this the 7th day of June, 2002.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Tej Kishan,  
S/o Sh. Gopi Nath Bhat,  
R/o Z-20, Sarojini Nagar,  
New Delhi-110023.

-Applicant

(By Advocate Shri George Paracken)

-Versus-

1. Engineer-in-Chief,  
Army Headquarters,  
Kashmir House,  
New Delhi-110001.

2. Chief Engineer,  
Headquarter,  
Western Command,  
Chandimandir.

-Respondents

(By Advocate Shri S.M. Arif)

O R D E R

By Mr. Shanker Raju, Member (J):

Applicant, who retired on superannuation on 30.6.2000, claims 24% interest per annum on the delayed payment of retiral benefits. Applicant, who has been proceeded against in two disciplinary cases, pertaining to the chargesheet of 1997-98, was accorded provisional pension. One of the proceedings was dropped on 24.11.2000 and in the second proceeding he was exonerated on 8.3.2001. His pensionary benefits, including gratuity and commutation of pension were released on 17.8.2001 to the State Bank of India. This non-finalisation of pensionary benefits leads to filing of the present OA.

2. Applicant stated that he has been harassed at the fag end of his service and retiral benefits have been delayed due to negligence and delaying tactics on the part of the respondents. Disciplinary proceeding which

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have been initiated in 1997 having been finalised before his retirement, i.e., on 30.6.2000, as per rules he has a vested right to receive his retiral benefits, which is not a bounty, immediately on his retirement and in case of any delay, which is inordinate and unexplained he is entitled for an interest on the amount.

3. Learned counsel for the respondents stated that the chargesheet having been finalised on 8.3.2001 the PPO was issued on 26.4.2001, releasing the amount of gratuity. However erroneously the original PPO number was wrongly entered therein but subsequently corrected on 30.7.2001 and an amount alongwith interest of this period of Rs.2,54,747/- was released. Respondents have made their all efforts to release the amount immediately on his exoneration and there is no inordinate delay on their part and their action is bonafide. Applicant has also been accorded provisional pension. It is also, however, stated that the applicant is entitled for interest on the delayed payment of gratuity as per Rule 68 (3) (i) (a) of the CCS (Pension) Rules, 1972, for which an action is being taken, as due to pendency of the enquiry and his exoneration the amount could not be released to him.

4. I have carefully considered the rival contentions of the parties and perused the material on record. In my considered view applicant on account of disciplinary proceedings his retiral benefits have been withheld and the provisional pension was allowed as per the rules immediately on his exoneration process was taken up

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by the respondents by issuance of PPO and as there was some mistake another PPO was issued and the interest for the intervening period has already been paid to him.

5. As regards the contention of the applicant that the respondents should not have delayed the proceedings, applicant has not made any effort and to get the proceedings quashed on account of delay by filing appropriate proceedings before his retirement. Respondents immediately on conclusion of the proceedings processed his case and paid the entire amount. There is no inordinate or unexplained delay on the part of the respondents and their action is bonafide.

6. In so far as the interest on gratuity under Rule 68 (3) (i) (a) of the Pension Rules is concerned, respondents have not disputed this and are taking action to pay to the applicant interest on that amount.

7. In so far as relief of interest and retiral benefit is concerned, the same is not legally sustainable but as regards the interest on payment of gratuity is concerned, having not disputed, the respondents are directed to pay to the applicant interest on the delayed payment of gratuity as per Rule 68 (3) (i) (a) of the Rules ibid till the date of payment of gratuity as per rules, within a period of three months from the date of receipt of a copy of this order. OA is accordingly disposed of. No costs.

*for MD for order*

*S. Raju*

(Shanker Raju)  
Member (J)

'San.'