

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.277 of 1999

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New Delhi, this 31st day of August, 2000

HON'BLE MRS.SHANTA SHASTRY, MEMBER(A)

Smt. Pritam Kaur
Retd. T.G.T. (Science) Teacher
Govt. Girls Middle School
Deputy Ganj
Delhi

...Applicant

(By Advocate: Shri K.L.Bhandula)

versus

Union of India, through

1. Lt. Governor, Govt. of NCT of Delhi
Sham Nath Marg
Delhi-110054

2. Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi.

3. Dy. Director of Education(North)
Dte. of Education
Lucknow Road, Timarpur
Delhi

4. The Principal
Govt. Girls Middle School, Deputy Ganj
Delhi.

5. The Deputy Controller of Accounts
(Pension), Govt. of NCT of Delhi
Morigate
Delhi-110006

... Respondents

(By Advocate: Shri Vijay Pandita)

Order(oral)

By Mrs Shanta Shastri, M(A)

The applicant in this OA sought voluntary retirement with effect from 1.10.97 after giving three months notice as per the rules. The notice was accepted on 26.9.1997 allowing the applicant to retire voluntarily. Thereafter the applicant was paid retiral dues as follows:

"(i) Pension arrears amounting to Rs.77,980 on 4.12.98 i.e. after 14 months from the date of retirement.

(ii) G.P.Fund amounting to Rs.3,54,174 after four months. months.

(iii) DCR Gratuity amounting of Rs.1,76,128 after 8 months.

(iv) Insurance amount of Rs.11,562 after 10 months.

(v) Encashment of leave salary amounting to Rs.60,474 after 9 months.

2. The applicant has approached this Tribunal aggrieved that she was put to lot of hardship because of the delay in making available the retiral dues to her who retired as a T.G.T. in Government Middle School, Delhi.

3. Learned counsel for the respondents submits that there was no intentional delay in paying the retiral dues. The pension papers were required to be submitted to the Pay & Accounts office. However, due to a verbal request from the applicant, her pension papers were processed after announcement of the new pay scales as recommended by the Vth Pay Commission which were accepted by Government vide Notification dated 13.9.1997. Certain clarifications were also sought. Finally the papers submitted to the Pay & Accounts officer in February 1998 were received back with certain objections on 1.4.1998. The applicant was asked to comply with those objections. The same was done by the applicant immediately on 13.4.1998 and the papers were resubmitted to the Pay & Accounts officer on 20.4.1998.

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4. In the counter reply the respondents attributed the delay to the late submission of the pension papers by the applicant. Finally the payments have been made as follows:

Name of payment	Amount for payment	Date of payment
i. GPF	4,53,174	27.1.98
ii. Pay commission arrears	12,996	10.3.98
iii. Death-cum-retirement gratuity	1,76,128	11.6.98
iv. Leave encashment	60,476	1.7.98
v. Pay commission arrears (withheld amount)	11,562	31.7.98
vi. Insurance amount	6,752	14.8.98

5. The learned counsel for the respondents submits that every effort was made to process the pension papers of the applicant in time immediately after the representations of the Vth Pay Commission were accepted by the government and therefore there is no intentional delay.

6. Learned counsel for the applicant however submits that there has been inordinate delay in making the payments and even the pension arrears of Rs.77,980 were paid only 14 months after the date of retirement. The applicant has therefore claimed interest @18% on the delayed payment.

7. We have heard the learned counsel for the applicant as well as the respondents. I am convinced that delay has taken place in making

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the payments. While one could have awaited the Pay Commission's recommendations which were in the offing, there are certain items where there was no need to wait for the Pay Commission's report, such as the GPF amount which is exclusively the applicant's property. Even there a delay of four months has occurred. Similarly in the case of insurance amount and encashment of leave salary there was no need to wait. These could have been settled immediately and especially when the applicant had already given the notice of retirement three months in advance. I also find that the pension arrears have been paid after 14 months which delay has also not been explained specifically.

8. In the facts and circumstances of the case, the applicant is entitled to interest on the delayed payments to compensate for the hardship suffered by the applicant. The respondents could have even paid provisional pension to the applicant, but even that was delayed.

9. I, therefore, order interest to be paid to the applicant on the retirement dues @12% per annum on all the retiral dues as mentioned above from 1.1.1998. This exercise shall be carried out within a period of three months from the date of receipt of a copy of this order.

(2A)

10. The OA is disposed of with the directions
as above. I do not order any costs.

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(Mrs Shanta Shastry)
Member(A)

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