

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI

O.A. No. 872 of 1999
M.A. No.1345 of 2000

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New Delhi, in the 31st day of the October, 2000

Hon'ble Mr. M.P. Singh, Member(A)

1. Sh. S.B. Khanna
S/o Sh. J.R. Khanna
R/o WZ-160, Shiv Nagar, Janakpuri,
New Delhi-110058.

..... Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India through.
The Chief Secretary,
Govt. of NCT of Delhi
Old Secretariat,
Delhi.
2. Director of Education,
Directorate of Education,
Old Secretariat,
Delhi.
3. Deputy Director of Education
(South West), Delhi Administration,
Vasant Vihar,
New Delhi.
4. Drawing & Disbursing Officer,
Govt, Adult Secondary School,
Najafgarh, New Delhi.
5. Deputy Controller of Accounts,
Govt, of NCT of Delhi
Delhi Administration,
Old Secretariat, Delhi.
6. Pay & Accounts Officer(No.18)
Govt. of NCT of Delhi, Delhi Administration,
Prasad Nagar,
New Delhi.

..... Respondents

(By Advocate: Mrs. Sumedha Sharma)

ORDER

The applicant has filed this OA against ~~the~~ ^{the}
in-action of the respondents for not settling his
following claims:-

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- (i) Honorarium for the period of 24.11.94 to 15.5.1996.
- (ii)(a) TA Bill submitted in 1991 amounting to Rs. 1,200/- vide approval/order dated 12.9.91.
- (b) Second TA claim of Rs. 857/- duly passed by DDE (South West) on 31.5.96.
- (iii) Payment of interest on delayed payment of GPF amount for the period 1.6.96 to 30.11.96 on the amount of Rs. 30673/-.
- (iv) Payment of interest for 8 months.
- (v)(a) Non-payment of missing credit of GPF vis-a-vis double-entry of advance/withdrawal from GPF.
- (b) Non-payment of sanctioned amount of Rs.15,404/- even though sanctioned in April, 98 but not paid so far.
- (vi) Non-implementation of benefit accruing by virtue of recommendations of 5th Pay Commission and accepted by the Government in respect of revised pension, gratuity, commutation, leave encashment consequent upon revised pay fixed w.e.f. 1.1.96 and benefits of gratuity, commutation etc., accruing to the applicant on 1.6.96 together with interest falling due for the delayed payment which has not been made so far. The delayed payment which has not been made entitles the interest leviable @ 18% as if the money was deposited and kept with the respondents as fixed deposit.
- (vii) Non-payment of interest on LTC claim amounting to Rs.2,125/- submitted on 16.12.91 but deliberately delayed its payment which was made on 18.12.96 i.e. after 5 years, whereas respondents claimed interest in terms of their calculation payable to them on the official payment of Rs.700/-.
- (viii) Non-payment of medical allowance sanctioned to pensioners in terms of 5th Pay Commission Report, accepted by the Government.
- (ix) Fixation of responsibilities for all these culpable delay and negligence for delayed payments and the payments still due violating the Hon'ble CAT's orders passed in O.A. 2144/1995 decided on

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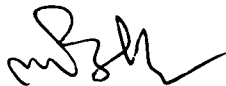
18th September, 1997 in terms of direction by the Court under paras 11,12,13,14, (copy annexed as ANNEXURE A with O.A.).

2. The applicant was working as Vice Principal in Govt. Senior Secondary School and retired on 31.5.1996. He had earlier filed an O.A. 2124/1995 which was disposed of by the Tribunal on 18.9.97 by giving direction to the respondents to pay interest at the rate of 12% p.a. ^{on} ~~as~~ the arrears of salary. It was held by the Tribunal that the claim for honorarium for the period of 24.11.94 to 15.5.96 as well as in respect of some TA bills still survives. In the absence of full facts, these matters can not be adjudicated by the Tribunal.

3. During the pendency of this OA certain payments have been made by the respondents to the applicant. The applicant has, therefore, filed MA 1345/2000 on 22.5.2000 in which he has given the details of the amount which was due to him on account of various claims and the payments made by the respondents. The respondents have filed a reply to this MA 1345/2000 which is as follows:-

(iii)(1) Honorarium for the period of 24.11.1994 to 15.5.1996 is not admissible under rule as per submission of the DDO in his previous comments and as clarified by the A/c Officer Distt.(S/W) Vasant Vihar, New Delhi.

(ii)(a) Since the applicant has failed to ascertain the fact of journey performed by him thus this claim is not admissible (submission of the then DDO in his parawise comments on the subject).



(ii)(b) No such record is available with the u/s that the claim was duly passed by the DDE(S/W) on 31.5.1996.

(iii) This payment was delayed due to the official formalities. It was not a lapse on the part of school or other authorities and hence interest is not admissible, moreover all the facts have already been given by the DDO in his previous comments.

(iv) Payment of interest for 8 months amounting to Rs.139350/- has already been made to the applicant as submitted by the DDO in his previous comments.

(v)(a) The Deputy Controller of Accounts (Funds) GPF Cell, Old Sectt., Delhi is a competent authority to verify these facts and hence should be made a party in this matter.

(b) The amount of Rs.15404/- has already been paid to the applicant vide cheque no.853055 dated 27.5.1999 as admitted by the applicant in this M.A.

(vi) The benefits accruing by virtue of recommendation of 5th Pay Commission such as Pension, Commutation, Gratuity has already been settled and payments have been made to the applicant. Revised leave encashment case is under process. Details as per para 1.

(vii) During this period the applicant Mr. S.B.Khanna was the then DDO, therefore, he himself is accountable for the delay thus the claim is not admissible.

(viii) No such Medical Allowance is admissible under rule to those Pensioner who are residing in National Capital Territory of Delhi as clarified by the A/c Officer Distt. (S/W) Vasant Vihar, New Delhi.

(ix) That regarding para (ix), it is submitted that there is no delay in making payments of dues of applicant by the respondents.

4. That regarding para 4, it is submitted that respondents have already mentioned above the payments made to the applicant.

4. Heard learned counsel for the rival contesting parties and perused the records.



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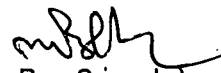
5. The respondents in their reply have stated that honorarium for the period of 24.11.1994 to 15.5.1996 is not admissible under the rule. It is seen from the records that respondents while passing an order dated 17.11.1994 (Annexure A-1) have clearly stated that the applicant would not be entitled for extra remuneration for performing the additional duties. Moreover, certain conditions are prescribed under FR46 for grant of honorarium such as that work is of a special merit as to justify a special reward and the amount has been settled in advance. Keeping in view of provisions of FR46, the applicant is not entitled for any honorarium during the period of 24.11.1994 to 15.5.1996.

6. It is ^{also} seen from the records that TA bills, interest on delayed payment of GPF, missing credit of GPF, revised leave encashment etc, interest on LTC claim and medical allowance have not been paid to the applicant as admitted by the respondents in their reply to MA 1345/2000, The respondents have ^{stated &} ~~submitted~~ certain reasons for non-payment of these dues to the applicant. The reasons stated by the respondents in their reply are not acceptable. It appears that the respondents are deliberately delaying the payment of the dues to the applicant and handling the matter in a very casual manner. Despite the fact that the applicant has retired more than five years ago, all his retiral benefits have not yet been paid by the respondents. It clearly shows that the action of the respondents is totally arbitrary and illegal.



7. The respondents in their reply to OA have stated that medical allowance is to be paid by the Bank from which the applicant is drawing his pension, whereas in their reply to MA 1345/2000, they have stated that medical allowance is not admissible. Keeping ⁱⁿ view this fact and also the facts mentioned in the reply to MA 1345/2000, I consider it a fit case to direct the respondents to make the payment of remaining retiral dues to the applicant with interest thereon.

8. For the reasons stated above, the respondents are directed to make the payment of the retiral benefits to the applicant such as TA bills, interest on delayed payment of GPF, missing credit of GPF, revised leave encashment, interest on LTC claim submitted on 16.12.91 and medical allowance with 10% ^{P.A. 2} interest thereon from the date the payments were due to the date of the actual payment. No costs.


(M.P. Singh)
Member(A)

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