

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1243/98

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the 21st day of July, 1999

Dr. I.N. Tewari
R/o 200, Souse Avenue
New Delhi - 110 002

....Applicant

(By Advocate: Shri D.S. Mahendru)

Versus

1. Union of India, through
Secretary
Ministry of Health & Family Welfare
Govt. of India
Nirman Bhawan, New Delhi

2. Principal Secretary(Medical)
Govt. of N.C.T. of Delhi
5, Sham Nath Marg, Delhi

3. The Medical Superintendent
L.N.J.P. Hospital, New Delhi

....Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R

The applicant retired from service as Additional Director General of Health Services and Medical Superintendent, L.N.J.P. Hospital on 30.9.1996. He came before the Tribunal aggrieved by the respondents' failure to pay him his retiral benefits.

2. The respondents, in their reply, have stated that all the retiral benefits have since been paid to the applicant.

3. When the matter came up for final hearing Shri D.S. Mahendru, learned counsel for the applicant, submitted that he only prays for payment of interest on account of the delay in the release of the retiral benefits.

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3 4. I have gone through the details of payment made to the applicant as per the statement prepared by the Asstt. Accounts Officer, LNJP Hospital, New Delhi which has been taken on record. It shows that the DCRG amounting to Rs.2,54,701/- was paid to the applicant by cheque dated 22.12.1998, commutation by cheque dated 25.9.1998, the arrears of Fifth Pay Commission also on 25.9.98 and leave encashment partly on 25.9.96 and partly on 20.11.98, CGEGIS on 1.12.98 and pension for December, 1998 was paid in December, 1998. The applicant is entitled to payment of interest either on pension or commutation of pension. He is not entitled to any interest on arrears arising out of Fifth Pay Commission recommendation in respect of pay or of leave encashment. Considering the small amounts of CGEGIS, interest on this amount is also declined.

5. Accordingly, the O.A. is disposed of with a direction to the respondents to pay 12 per cent interest on that part of the DCRG to which the applicant was entitled on the date of his retirement, i.e. 30.9.1996, excluding the portion to which he became entitled on account of the recommendations of the Fifth Pay Commission. Similarly, he will also be entitled to 12 per cent interest on the commuted amount of pension as would be due to him on the date of his retirement, excluding the portion to which he became entitled as a result of revision of pay and pension due to the recommendations of the Fifth Pay Commission. The interest amount will be paid to the

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19

applicant with effect from 1st January, 1997 till the date of release of the DCRG and commutation of pension. The orders will be complied with within two months of the receipt of this order.

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R.K. Ahoja
(R.K. AHOJA)
MEMBER (A)

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