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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

O.A.No.1576 of 1995

Dated New Delhi, this 4th day of March, 1996.

HON'BLE MR JUSTICE P. K. SHYAMSUNDAR, ACTING CHAIRMAN
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

H. L. Zutshi
S/o Shri D. N. Zutshi
R/o G-31 Nauroji Nagar
NEW DELHI.110 029.

... Applicant

By Advocate: Shri S. G. Saxena

versus

1. Secretary
Ministry of Defence
Government of India
South Block
NEW DELHI-110011.

2. Joint Secretary Trg. and CAO
Office of the CAO
C-II Hutments, DHQ PO
NEW DELHI-110011.

3. The Joint CDA(headquarters)
CDA HQ 'G' Block, DHQ PO
NEW DELHI-110011.

... Respondents

By Advocate: Shri M. Sethu Ramalingam,
Departmental Presenting
Officer.

O R D E R (Oral)

Mr Justice P. K. Shyamsundar

Heard. Admitted.

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This is a case in which the applicant retired way back in 1983 and thereafter became entitled for some benefits following a revision of the seniority list which placed him in the cadre of UDC with effect from 1971 albeit his promotion being in the year 1979. On that basis he also had his promotion

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to the cadre of Assistant way back in 1981. He got some pensionary benefits but on the basis of the revised seniority list of the UDCs and consequent therefrom were the inputs which had to be taken into account for computing his pensionary benefits. It is for that purpose, the present O.A. is filed and the respondents herein do not deny the entitlement of the applicant for pensionary benefits but have only pleaded that the hike in pensionary benefits could not be given to the applicant and others at the appropriate time because of loss of service records of the employees. Therefore, Presenting Officer appearing for the department prays for some time to take further action in the matter.

The explanation that inaction on the part of the respondents regarding grant of pensionary benefits was due to loss of service record and hence the delay if any is just, that is not an excuse that could be pleaded because the administration being the custodian of the employee's service record it is their duty to maintain the service record of the employee properly during his service tenure.

The Presenting Officer of the department states that the department will require at least two months' time to compute the revised pension due to the applicant and for making payment.

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It seems to us that this is a case in which the respondents should not only pay the revised pensionary benefits due but they should also pay interest on the arrears due since this claim which is just and proper, is pending for such a long time and, therefore, we cannot absolve the department for its unjustified delay.

In the circumstances, we make an order directing the respondent to compute and pay all the pensionary benefits due to the applicant with interest @ 12% with effect from 1.6.1994 till date of payment. No order as to costs.

(K. Muthukumar)
Member(A)

P. K. Shyamsundar
(P. K. Shyamsundar)
Acting Chairman

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