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Central Administrative Tribunal: Principal Bench

OA No. 2282/95

New Delhi, this the 11th day of July, 1996

Hon'ble Mr. Justice A.P. Ravani, Chairman
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri Vir Chand
s/o Shri Sadhu Ram Brahman,
C-58/1, Bhajan Pura, Delhi-53 .. Applicant
(By Shri Munish Malhotra, Advocate)

Versus

Union of India through
1. The Secretary,
Ministry of Finance,
South Block, New Delhi
2. Principal Collector,
Customs and Central Excise,
CR Building, I.P. Estate, New Delhi .. Respondents
(By Shri R.R. Bharti, Advocate)

ORDER (Oral)

By Hon'ble Mr. Justice A.P. Ravani, Chairman.

1. At the request and with the consent of the learned counsel on either side, the matter is ordered to be finally heard and decided today at the admission stage itself.

2. The applicant was serving as Central Excise Inspector. He was involved in a criminal case which ultimately ended in favour of the applicant. On account of the pendency of the criminal case, he was neither confirmed nor promoted to the higher post though his juniors were confirmed and promoted. The applicant has retired on 1.11.90 even so he has not been paid retiral benefits. Hence the applicant has filed this application praying that the respondents be directed to release all the pre and post-retiral benefits with effect from 1.11.90 as well as arrears of pension from the date of retirement till date. The applicant has also prayed for interest @ 10% p.a. from the date when the retiral benefits became due and payable.

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3. Today, when the application came up for hearing, learned counsel for the respondents has filed a reply to the O.A. Together with the reply an order No. 11/96 dated May 22, 1996 is produced wherein it is, inter-alia, stated that the applicant was notionally promoted to the grade of Superintendent of Central Excise on regular basis in the pay scale of Rs.2000-60-2300-EB-75-3200-10-3500 w.e.f. January 8, 1988 i.e. the date of regular promotion as Superintendent of his immediate junior Shri D.D.Vasudeva. It is further stated in the order that on his exercising option for fixation of pay under the appropriate provision of FR within one month from the date of the order, further actions will be taken.

4. It is undisputed position that the aforesaid order No. 11/96 dated May 22, 1996 has not been served upon the applicant. Therefore, the time limit of one month mentioned in the order cannot be and should not be strictly applied.

5. Having regard to the facts and circumstances of the case, we are of the opinion that if the O.A. is disposed of by giving the following directions, it would meet the ends of justice:-

(i) The applicant is directed to exercise option as indicated in order No. 11/96 dated 22.5.1996 produced together with the reply, latest by August 9, 1996.

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(ii) Respondent no. 2 is directed to take follow-up action for payment of the retiral benefits payable to the applicant along with interest @ 12% per annum from November 22, 1995 i.e. the date on which the O.A. has been filed, and see to it that entire amount together with interest @ 12% per annum has been paid to him latest by October 15, 1996. If the amount is not paid by October 15, 1996, the entire amount shall carry interest @ 18% per annum from the date of this order till the amount is paid.

(iii) As far as the payment of G.P.F. is concerned, the applicant shall be paid interest on the delayed payment, as provided in the relevant G.P.F. Rules.

6. O.A. stands disposed of *accordingly.*

R.K. Ahooja
(R.K. Ahooja)

Member (A)

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A.P. Ravani
(A.P. Ravani)

Chairman