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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.No. 508/1995

New Delhi the 18th Day of May 1995

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

Hon'ble Shri K.Muthukumar, Member (A)

Shri A.K. Bhattacharjee,
R/O Utr.No.307, Sector-9,
R.K.Puram,
New Delhi.

... APPLICANT

(BY ADVOCATE: SHRI D.R. GUPTA)

Versus

1. Union of India through Secretary,
Deptt. of Fertilizers,
Shastri Bhagan,
New Delhi.


2. Shri R.Ramanathan,
Director (FA)
Deptt. of Fertilizers,
Accounts Wing, Super Bazar,
Cannaught Place,
New Delhi.

... RESPONDENT


The applicant Shri A.K. Bhattacharjee, who was working as Assistant Director (Accounts) under the second respondents has in this application sought to quash the order dated 24.2.1995 of the Government of India, Ministry of Chemicals and Fertilizers withdrawing the Notification dated 12.1.1995 permitting him to retire from service voluntarily with effect from 16.2.1995 and a declaration that he stood retire with effect from 16.2.1995 with consequential benefits of payment of retiral benefits with interest @ 18% per annum for one month and benefits with compound ^{interest} at 24% P.A.

2. The applicant had issued a notice to the Government on 8.11.194 seeking voluntary retirement under Rule 48-A of the CCS (Pension) Rules, 1972. This was accepted and by order dated 12.1.1995, the applicant was allowed to retire and as a result he stood retired on 16.2.1995. While so the impugned order dated 24.2.1995 was issued to him and thereafter the respondents did not finalise the retirement dues of the applicant. It was under these circumstances that the applicant filed this O.A. seeking the aforesaid relief.

3. The respondents in a very short reply have stated that the impugned order dated 24.2.1995 had been withdrawn and the applicant stood retired with effect from 16.2.1995. They have also undertaken to pay all the reiral dues of the applicant as expeditiously as possible.



4. Heard the learned counsel for the parties. As the issue involves in this case is quite simple we propose to dispose of the application at the admission stage itself. The respondents have not stated any valid reason for issuing the impugned order cancelling the order dated 12.1.1995 permitting the applicant to retire voluntarily. If the impugned order dated 24.2.1995 had not been issued it would have been possible for the respondents to finalise the pensionary claim of the applicant within a reasonable time, but on account of the withdrawal of the permission to retire voluntarily by the impugned order for no valid reason, obviously the respondents ~~disabled~~ themselves from finalising the retiral claims of the applicant. If that had not happened, the amount due to the applicant could have been received by him within a reasonable time after his retirement and we are of the considered view that a period of two months from the date of his retirement would have been settlement for making a final settlement of his retiral dues. That having been not done and no valid explanation is forthcoming from the respondents for not doing so we are convinced that the respondents are liable to pay interest on the amount of his retiral dues from a date two months from the date of his retirement. The applicant has claimed interest @ 18% from the date of his voluntary retirement at 18% for one month and with compound interest @ 24% P.A after one month on the retiral benefits. We are not convinced that such a plea can be allowed. The delay in this case though avoidable could not be said to be culpably long warranting a view to be taken that interest more than 12% should be paid. The learned counsel for the respondents stated at Bar that the retiral dues of

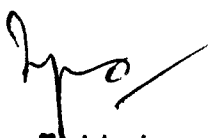


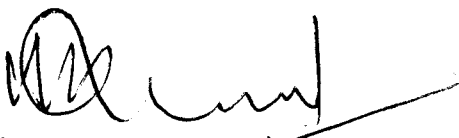
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the applicant will be paid within a period of one month from today. Under the circumstances we are satisfied that the interest of Justice will be met if the respondents are directed to pay all the retiral benefits to the applicant alongwith interest at 12% per annum from 16.4.1995 till the date of payment within a period of one month from this date.

5. In the result the application is disposed of directing the respondents to pay the entire retiral dues to the applicant within a period of one month from today with interest @ 12% P.A with effect from 16.4.1995 till the date of payment. There is no order as to costs.


(K. Muthukumar)
M(A)


(A.V. Haridasan)
VC(J)