

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(F)

C.A./T.A. No. 1901/96 /19 Decided on: 21.2.97

J.R. Kapoor

..... APPLICANT(S)

(By Shri Sant Lal _____ Advocate)

VERSUS

U.O.I. & Ors.

..... RESPONDENTS

R.P. Aggarwal
(By Shri _____ Advocate)

DR. RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE SHRI S.R. ADIGE / DR. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal? No

Adige
(S.R. ADIGE)
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI.

D.A. 1901/96

This the 21st th day of February 1997

(8)

HON'BLE SHRI S.R. ADIGE, MEMBER(A).

HON'BLE DR. A. VEDAVALLI, MEMBER(J).

Sh. Jagdish Raj Kapoor
S/o Shri Bhagat Ram
R/o C/o Shri Sant Lal,
Advocate,
C-21(B) New Multan Nagar,
Delhi-110056.

.....Applicant

(By Advocate Shri Sant Lal)

Versus

1. The Union of India, through
The Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi-110001.

2. The Director Postal Services(P),
O/O the Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001.

3. The Senior Postmaster,
Sarojini Nagar, H.Q.
New Delhi-110023.

..... Respondents.

(By Advocates Shri R.P. Aggarwal and
Ms. S.R. Khan)

JUDGEMENT

By Hon'ble Shri S.R. Adige, Member(A).

Applicant claims interest on delayed
payment of DCRG.

2. Applicant who retired on 31.8.87 was
proceeded against departmentally vide order dated
2.7.90 on the basis of Postal Ministrys order dated
2.11.88 on the charge that on 6.4.87 he demanded

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(a)

Rs.200/- from one Vinod Kumar as illegal gratification for undervaluing his parcel packet and to send it without opening. Applicant directed Vinod Kumar to come on 8.4.87 to Post Office alongwith parcel and Rs.200/- bribe money. He again demanded Rs.200/- from Vinod Kumar as illegal gratification and accepted the same on 8.4.87 for having shown favour to him. Criminal prosecution was also initiated against the applicant in respect of the same matter and he was suspended w.e.f. 8.4.87.

3. These departmental proceedings, which upon the applicant's retirement on 31.8.87 were continued under Rule 9 CCS(Pension)Rules, were finally dropped by order dated 23.9.96 as being declared null and void on the ground that the same were vitiated as the Senior Postmaster, Sarojini Nagar Post Office was not competent to issue the chargesheet. The period of suspension from 8.4.87 to 31.8.87 has been advised to be treated as spent on duty vide order dated 7.11.96 and Rs.4541 being pay and allowances for the said period has also been released to applicant on 18.11.96.

4. DCRG (Applicant claims it as only provisional) has been released to him on 24.10.96 and a sum of Rs.1000/- detained for purpose of making unassessed dues has also admittedly been released to him on 13.12.96.

5. Interest on delayed payment of DCRG is governed by Rule 68 CCS(Pension)Rules. Under Rule 68(1) interest is payable where it is clearly established that it was due to administrative lapses. The onus was on the applicant to establish that ^{the} payment of DCRG was on account of administrative lapses on part of

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respondents, Under Rule 69(c) CCS (Pension) Rules, DCRG could be released to the applicant only after completion of the departmental proceedings against him, and issue of final order thereon, which issued only on 23.9.96. Applicant contends that as those orders dropped the proceedings on the ground of being Null and void, it must be deemed that there were no proceedings against him. That is not the same thing as saying that the applicant has been exonerated of the charges which would qualify for payment of interest under Govt. of India Decision No.3(1) below Rule 68 CCS(Pension)Rules because exoneration means a finding which exculpates a person of misconduct after due inquiry.

6. It is true that the departmental proceedings which commenced vide order dated 2.7.90 pursuant to respondents order dated 2.11.88, were finally concluded only on 23.9.96, despite the Tribunal's direction dated 27.4.92 in OA No.1033/91 to conclude the same within 3 months from the date of receipt of that judgment, but unless the applicant can establish that this delay were on account of administrative lapses on the part of respondents, despite applicant's every effort to expedite the proceedings, we would not be justified in directing respondents to pay interest to the applicant in the light of Rule 69 CCS (Pension)Rules.

7. As applicant has not succeeded in establishing the same, we have no materials before us to warrant a direction to respondents to pay interest to the applicant.

8. The prayer for interest is therefore rejected.
No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

Adige
(S.R. ADIGE)
MEMBER (A)