

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A./TAA. No 2357 of 1996

Decided on: 26.3.98

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Bakshish Singh GillApplicant(s)

(By Shri H.K. Gupta Advocate)

Versus

U.O.I. & AnotherRespondent(s)

(By Shri M.M. Sudan and Advocate)

Sh.N.H. Zuberi, proxy counsel for Shri S.M.Arif, Counsel.

CORAM:

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

THE HON'BLE SHRI

1. Whether to be referred to the Reporter or not?

yes

2. Whether to be circulated to the other Benches of the Tribunal?

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(K. MUTHUKUMAR)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2357 of 1996

New Delhi this the 26th day of March, 1998

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Bakshish Singh Gill
R/o B-3A/278 Janak Puri,
New Delhi.

...Applicant

By Advocate Shri H.K. Gupta.

Versus

Union of India through

1. Chief General Manager,
Telephones (North Zone),
Kidwai Bhawan,
New Delhi.

2. Director of Accounts (Postal),
Delhi-110 054.

...Respondents

By Advocates Shri M.M. Sudan and Sh. N.H. Zuberi, proxy counsel
for Shri S.M. Arif, Counsel.

ORDER

This is a second round of litigation by the applicant in the disciplinary proceedings taken against him. His earlier application against the order of the appellate authority was disposed of with a direction to the appellate authority to pass fresh order in conformity with the rules. Earlier the appellate authority passed an order modifying the order of punishment of removal from service to that of compulsory retirement but at the same time ordered that the benefits of the appellate order would take effect from 27.1.1989 itself. In compliance with the directions of the Tribunal, this order was modified by the respondents in the order of the appellate authority and the appellate authority issued the revised orders by their order dated 15.3.1996, Annexure A-2. In this order, the appellate authority while modifying the order of punishment of removal from service to that of compulsory retirement, ordered that the period of

unauthorised absence from 11.5.1982 to 29.8.1985 was condoned and the leave due along with medical leave, commuted leave etc. adjusted and the balance period may be treated as extraordinary leave, if no leave was due and this would count for the purpose of retiral benefits like gratuity, pension etc. and for no other purpose. It was also ordered that this period was limited only upto 29.8.1985. (16)

2. In this application, the prayer is for a direction to the respondents to arrange for the pay and allowances including the arrears of leave salary, pension and gratuity along with interest at the rate of 18% per annum. The applicant alleges delay in the payment of pay and allowances due to administrative reasons from 11.5.1982 to 27.1.1989 inspite of final orders passed on 16.3.96 in pursuance of the orders of the Tribunal, all the dues have not been cleared despite of several representations.

3. The respondents in their reply have submitted that the applicant has already been supplied all the calculation sheets in respect of the payments, as mentioned in Annexure R-II. This includes pension calculation sheet for Rs.16,514.00 already acknowledged to have been received by the applicant. DCRG calculation sheet for Rs.1321.00. Calculation sheet for revision of DCRG Rs.1321.00 and calculation sheet for commutation of leave for Rs.2808.80 and also the calculation for qualifying service. As regards the interest, the respondents submit that there is no provision in the rules for payment of interest on delayed payment of pension. DCRG amounting to Rs.8875/- which

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became due on 29.12.1989 was paid on 20.11.90 and for which interest for the period 29.6.90 to 20.11.90 at the rate of 7% is admissible under the Government of India Rule 68 of the CCS (Pension) Rules was also included in the aforesaid amount. Similarly on revision of DCRG, the difference of amount of Rs.1321/- became due on 15.3.96 but was paid to the applicant on 3.1.97 so interest was admissible from 15.6.96 to 3.1.97 at the rate of 7%. In view of this, the respondents submit that all the payments due to the applicant have been sanctioned and paid and the applicant have been informed accordingly.

4. I have heard the learned counsel for the parties and have perused the record.

5. Counsel for the petitioner relies on State of Kerala Vs. M. Padmanabhan Nair. AIR 1985 SC 357 and Jagan M. Seshadri VS. U.O.I. and Others. 1992 (2) AISLJ 357, CAT (Madras). The latter case has no application here, as that dealt with inordinate delay in imposition of penalty and no payment of interest for delayed payment was involved. In the earlier case, the Apex Court found that there was delay of 2 years in the settlement of dues and went along with High Court's order confirming interest at 6% per annum. Although the facts and circumstances are not parimateria here, the fact remains that respondents have allowed interest whatever permissible under the rules.

6. The respondents have filed a statement, Annexure R-2 along with the counter-reply indicating the payment of

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pension, i.e., Rs.375/- minimum, revision of pension, commutation of pension and revision of DCRG. In regard to the pension and revision of pension, they have stated that there is no provision in the rules for payment of interest. There is, therefore, no legal basis for payment of interest for delay in payment of pension dues. As regards the commutation of pension, there has been no delay in payment inasmuch as the payment was made on 4.7.91 after it became due on 1.5.91. In regard to the delay in the payment of DCRG and the revision of DCRG, they have also allowed 7% interest for the period from 29.6.90 to 20.11.90 and 15.6.96 to 3.1.97, i.e., retrospectively under the relevant pension rules. From the Government of India Decision No.2 below Rule 68 of the CCS (Pension) Rules, that where the payment of retirement/death gratuity has been delayed, interest on DCRG is to be allowed at the rate of 7% per annum beyond 3 months and upto one year and 10% beyond one year. In this particular case, it is seen that delay has been for the period from 29.6.90 to 20.11.90 and, therefore, they have allowed 7% interest taking a delay of 5 to 7 months. They have reckoned that although the DCRG amount became due on 29.12.89 but was paid on 20.11.90 and have allowed interest for a few months. Because of normal administrative delay for authorisation, they have reckoned the delay for period from 29.6.90 to 20.11.90 and 15.6.96 to 3.1.97 in respect of revision of DCRG.

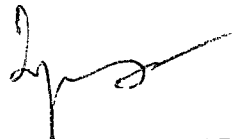
7. On a perusal of this matter, I do not consider that there has been any inordinate or wilful delay in the

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settlement of dues.

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8. In the light of the above, this application has no merit and is accordingly dismissed. There shall be no order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)

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