

Central Administrative Tribunal  
Principal Bench: New Delhi

12

OA No. 346 of 1996 decided on 30th June, 1997.

M.R. Singh  
(By Advocate : Shri Karan Singh)

...Applicant

Vs

Lt. Governor, Delhi & Ors.  
(By Advocate : Shri Rajinder Pandita)

...Respondents


CORUM

Hon'ble Mr. N. Sahu, Member(A)

1. To be referred to the Reporter or not?
2. Whether to be circulated to other Benches of the Tribunal?

YES *no*

NO

  
( N. Sahu )  
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.346 of 1996

New Delhi, this the <sup>th</sup> 30 day of June, 1997. 13

Hon'ble Mr. N. Sahu, Member(A)

M.R. Singh  
S/o Late Shri Sunder Lal  
10, Arjun Nagar  
Near Green Park  
New Delhi

...Applicant

(By Advocate : Shri Karan Singh)

Versus

1. Lt. Governor  
Through  
Chief Secretary  
Govt. of NCT  
Delhi Administration  
5, Sham Nath Marg  
Delhi
2. Secretary(Education)  
Govt. of NCT  
Delhi Administration  
Old Secretariat  
Delhi
3. Director of Education  
Govt. of NCT  
Delhi Administration  
Old Secretariat  
Delhi
4. Vice Principal/Head Master  
Govt. Co.Education Middle Sec.  
School, New Ashok Nagar  
Delhi - 110 091


...Respondents

(By Advocate : Shri Rajinder Pandita)

JUDGMENT

Hon'ble Mr. N. Sahu, Member(A)

The prayer in this case is for interest on delayed payment of gratuity and for release of balance of Rs.1,779/- on account of GPF balances.



119

2. Miss Sheela (unmarried daughter of the applicant) worked as Domestic Science Teacher (TGT Grade) with respondent No.3 from 28.01.1984 to 01.06.1993 and died on 02.06.1993 on account of her illness. The death certificate was produced on 15.07.1993. The applicant submitted on 24.09.1993 all particulars to the Principal of the school where his late daughter worked for payment of family pension and gratuity. Finding no response he submitted a detailed representation on 17.02.1994(Annexure-L) to the Chief Secretary, Govt. of NCT, Delhi. The applicant relies on the instructions to the effect that all payments of retirement dues should be made within reasonable time and not later than six months; and where such payment is delayed beyond six months due to administrative lapse on the part of the employer, interest should be paid for the delay. The applicant was expecting that the payment would be made to him by 30.11.1993 but actually the payments were made during April and May, 1994. He, therefore, claims interest @ 18%.

3. The respondents state that the service book, leave account and other records of the deceased teacher were incomplete. It is further stated that "the applicant was not in position to submit any proof/record in favour of his claim till 12th March, 1994. The applicant.....deposited necessary documents and put his signature in the proforma. ....on same day i.e. 12.03.1994 the respondent had submitted the claim to P.A.O. and which was released in due course". It is also stated that the applicant did not submit legal heir certificate nor affidavit to the effect that other

15  
family members would not stake a claim to a share of the retirement benefits. The school people wrote two letters dated 28.03.1994 and 07.04.1994 to the applicant for completion of documents. The complete documents with two affidavits were furnished on 07.04.1994 and on the same day the bills were deposited. The bills were passed and paid on 09.05.1994; GPF was paid even earlier.

C  
4. There is a dispute as to whether the applicant was nominated by the deceased. The learned counsel for the respondents submitted that the applicant himself wrote in form No.10-C that his late daughter was unmarried and no nomination is available in her service book whereas in the duplicate copy at page 34 of the paper book which is stated to be a part of the GPF pass book nominations were claimed to have been made in the name of father and mother. The chain of events show that on 07.10.1993 family pension papers were submitted to the Assistant Accounts Officer, District East, Office of the DDE. On 30.03.1994 affidavit of the applicant was submitted and on 07.04.1994 an affidavit of the mother of the deceased was filed. I do not find any wanton delay in processing the applicant's claim. In the first place service book, leave account and other records had to be completed and brought up-to-date. On 12.03.1994 the records of the school show that the applicant came and affixed his signatures on certain papers. In the absence of a nomination, the respondents were justified in asking for an affidavit so that other claimants could be excluded. The report of the Principal dated 21.07.1994 to the D.D.E.(E),

Q

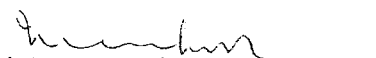
16

Directorate of Education, Govt. of NCT, Delhi shows that the applicant was reluctant to furnish this affidavit on the ground that it was not required. The PAO did not entertain the claim initially and advised that the affidavit must be annexed along with the claim and returned the claim on 12.03.1994. It was only after this fact was intimated to the applicant by the Principal, who wrote three letters on 21.03.1994, 28.03.1994 and 07.04.1994, the applicant submitted the affidavit. With regard to GPF and D.L.I., the D.D.O. had written to the GPF Cell, Delhi Administration for the release of sanction along with all relevant papers. The sanction from the GPF Cell was available on 04.04.1994 and the bill was deposited on 08.04.1994. The bill was passed by the PAO on 28.04.1994 and payment was made on 03.05.1994.

5. It is true that the respondents could have taken more interest and processed the claim more expeditiously but this is not a straight case of payment to the nominee as per rules. As this is a case of death and not normal retirement, updating and processing starts only after the event. The learned counsel for the respondents argued that the delay if any was inherent in the process itself and was not on account of any lapse on the part of the respondents. I am satisfied that in the facts and circumstances of the case there is no unexplained delay. Interest on DCRG is payable where the delay is beyond three months from the date of retirement. The applicant himself states that the processing should have been done within the six months' period from the date of death. If the

applicant was so keen he could have filed the affidavits during September/October 1993. There would have been no need for the bill to come back after it was presented once. Interest is payable only when any amount that is legally due is not paid within the due date and the claimant is unjustly deprived of the legal dues without any reasonable cause and provided that the delay is not attributable to the claimant. In this case I could not find neglect or carelessness on the part of the respondents. There is no administrative lapse. I, therefore, do not consider it a fit case for awarding any interest.

6. With regard to the release of balance of Rs.1,779/- claimed as per Annexure D dated 30.08.1994, the respondents shall within two weeks from today remit this amount, if it is legally due, with an interest @ 12% per annum, which is payable from 03.05.1994. If the amount is not due a self-contained communication should be sent to the applicant as to how the respondents consider that this amount is not due. The Original Application is disposed of, as above. The parties shall bear their own costs.

  
( N. SAHU )  
Member(A)