

Central Administrative Tribunal, Principal Bench

Original Application No. 400 of 1996

New Delhi, this the 11th day of November, 1999

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. R.K. Ahooja, Member (Admnv)

Shri Brij Mohan Khanna, s/o Late Shri
Tirath Ram Khanna, r/o 8828 Naya
Mohalla, Pul Bangash, Delhi-6 - Applicant

(By Advocate - None)

versus

1. Union of India through its Secretary,
Ministry of Education, National
Capital Territory of Delhi, Room
No.8, Old Secretariat, Delhi-54.

2. Shri S.N. Sahai, Joint Secretary
(Finance), Controller of Accounts,
Government of NCT of Delhi, 5, Sham
Nath Marg, Delhi-54.

3. Shri M.S. Rawat, Pay & Accounts
Officer (XVI) No.17, Office of the
Pay & Accounts, Man Singh Road, New
Delhi-11.

4. Directorate of Education, District
Central Bela Road, New Delhi. - Respondents

(By Advocate Ms. Jyotsna Kaushik through
proxy counsel Shri Ajesh Luthra)

ORDER (Oral)

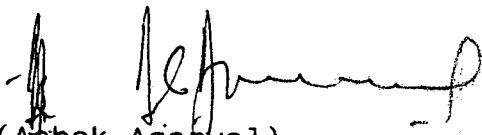
By Mr. R.K. Ahooja, Member (Admnv) -

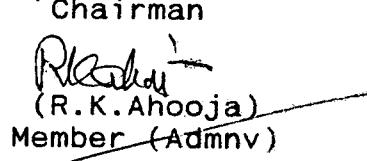
The applicant, a permanent teacher under the Department of Education, Delhi Administration obtained voluntary retirement with effect from 31.8.1994. His grievance is that his Death-Cum-Retirement Gratuity (in short 'DCRG') and commutation of pension were released to him after considerable delay and for which he has now claimed payment of interest.

2. None has appeared on behalf of the applicant. We have gone through the record. The respondents' explanation for delay is that there were certain internal objections regarding the preparation of the LPG and further because the applicant had refunded amount of

1995. We do not consider that the applicant can be held responsible for any internal deficiency in preparation of the LPC for which the responsibility rests with the administration. In regard to the refund of one day salary also, the applicant cannot be blamed as payment in the first instance was made by the respondents themselves. We, however, note that the applicant had left the service of the respondents on voluntary basis and in such a case some more time should be afforded to the respondents to prepare the requisite papers as sufficient notice was not available as in the case of normal retirement on attaining the age of superannuation. The applicant is also not entitled to interest on commutation of pension because till the pension is commuted, the applicant receives the full pension.

3. In the facts and circumstances of the case we consider that ends of justice would be met if the respondents pay 12% interest on the amount of the DCRG ^{Three monthly due} for the period of delay [^] after the date of retirement till the date of actual payment. This payment will be made by respondent no.4 to the applicant within a period of four months from the date of receipt of a copy of this order. The O.A. is accordingly disposed of. No costs.


 (Ashok Agarwal)
 Chairman


 (R.K. Aahooja)
 Member (Admnv)

rkv