

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1226 of 1997

New Delhi this the 13th day of May, 1998

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

Shri K.N. Sharma  
R/o C-132 East End apartments,  
Opposite Ashok Nagar,  
Delhi-110096.

..Applicant

By Advocate Shri Samal Singh.

Versus

1. Union of India  
through Secretary,  
Ministry of Housing & Urban Estates,  
Nirman Bhawan,  
New Delhi.
2. Director of Estates,  
Nirman Bhawan,  
New Delhi.
3. Government of N.C.T.,  
through Chief Secretary,  
5, Alipur Road,  
Delhi.
4. Director of Education,  
Government of NCT,  
Old Secretariat,  
Delhi-54.
5. Principal,  
Government Boys Sr. Sec. School,  
Roshanara Road,  
Delhi.

..Respondents

Shri Harvir Singh, proxy counsel for Mrs. P.K. Gupta,  
Counsel for respondents.

ORDER (ORAL)

This application is for payment of interest at the rate of 18% per annum on the withheld amount of DCRG with effect from 2.12.1996 till the date of surrender of the Government accommodation which was provided to the applicant. It is stated that the applicant vacated the Government accommodation on 2.12.1996 but he received the amount of withheld gratuity of Rs.2,000/- only in the

month of November, 1997. The applicant alleges that there has been inordinate delay in the settlement of his dues and, therefore, he claims interest for the delayed payment.

2. The respondents have stated that although the applicant had paid advance rentals for the period of retention, 'No Demand Certificate' could not be issued. The retention orders were to be issued and it was to be decided whether he was to be charged double the licence fee. For this, he was also asked to furnish the copy of the pension payment order. It was stated that on reexamining the matter on 17.7.97, it was decided that although the information asked for by him was not supplied, the retention orders could be issued and consequently 'No Demand Certificate' was also issued in July, 1997 and, therefore, withheld amount was paid in November, 1997. In view of this, the respondents submit that there had been no delay.

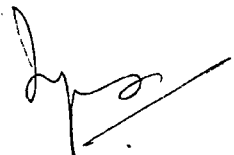
3. I have heard the learned counsel for the parties and have perused the record.

4. It is an admitted position that 'No Demand Certificate' was issued only in July, 1997. The retention should have been issued earlier but, however, the respondents had to examine the question whether the applicant was to pay the double standard rent or not under the rules and this naturally required sometime. However, even after the issue of 'No Demand Certificate' there has been delay in payment of withheld amount of gratuity to the

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extent of 3 months which could have been avoided. No explanation has been given in the reply for the delay in the payment after the issue of 'No Demand Certificate'. In the interest of justice, this application is disposed of with a direction to the respondents to pay the applicant interest at the rate of 12% per annum for a period of 3 months only on the amount of withheld gratuity.

In the circumstances there shall be no order as to costs.

  
(K. MUTHUKUMAR)  
MEMBER (A)

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