

Central Administrative Tribunal
Principal Bench

O.A.No.2740/97

Hon'ble Shri R.K.Ahooja, Member(A)

(23)

New Delhi, this the 17th day of May, 1999

Mahesh Kumar Verma
s/o Late Shri Basu Dev Verma
Retd. Inspector of Works Grade-III
O/o Dy. DE (Const.)/South
J.U.R.I. Project, Jammu Tawi
r/o 3189, Kucha Tara Chand
Darya Ganj
Delhi.

Applicant

(By Shri G.D.Bhandari, Advocate)

vs.

1. Union of India through
The General Manager
Northern Railway, Baroda House
New Delhi.
2. Divisional Railway Manager
Northern Rly., State Entry Road
New Delhi.
3. Chief Administrative Officer (Const.)
Northern Railway
Kashmere Gate
Delhi.

Respondents

(By Mrs. B.Sunita Rao through Shri R.K.Shukla, Advocate)

O R D E R (Oral)

The applicant retired as Inspector of Works Grade-III on 29.2.1996. His grievance is that the respondents did not release all his retiral benefits till 1.3.1997. He has therefore come before the Tribunal seeking a direction to the respondents to pay him penal interest of 24% for the period the payment of retiral benefits was delayed. The respondents in reply have stated that the applicant was facing a disciplinary case against him and was placed under suspension in 1991. Though the suspension was revoked on 15.5.1991, the disciplinary case was still pending at the time of retirement of the applicant. They further state that when the pension papers were examined it was found that

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-2-

24

there was an error in the promotion ~~case~~ of the applicant. Accordingly, these papers were referred back to the Personal Branch. It was only after a clarification was obtained that the Pension Payment Order dated 1.3.1997 could be issued. The respondents therefore state that there was no wilful delay on their part.

2. I have heard the counsel. As pointed out by the learned counsel for the applicant, the vigilance clearance in respect of the applicant had been given as far back as on 16.2.1996 as per the copy at Annexure-A10. On the other hand, learned proxy counsel for the respondents pointed out that there was a criminal case also pending against the applicant on the same charges as in the disciplinary proceedings and the Court case was decided, as per Annexure-A9, only on 10.1.1997. Be that as it may, the fact remains that the respondents had issued a vigilance clearance to the applicant as far back as on 16.2.1996. There is also no indication in their reply as to when the disciplinary proceedings reached its conclusion. On the contrary, their explanation is that the delay took place because certain clarifications regarding error in the promotion of the applicant had to be obtained. The respondents had to keep his service records upto date. As per instructions his papers should have been examined much before his due date of retirement. In these circumstances, the respondents cannot claim that they are not responsible for the delay in releasing of the pensionary benefits.

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- 3 -

25

3. Neither party has stated as to whether the applicant has received any provisional pension to which he was entitled even if the disciplinary proceedings were deemed to have been continued under the relevant pension Rules after his retirement.

4. In these circumstances, I dispose of this OA with a direction that the respondents will pay 18% simple interest to the applicant for the period three months after the date of his retirement till the date on which the Pension Payment Order was issued on his pension and gratuity. In calculating the amount on which the interest is to be paid, provisional pension already paid, if any, will be deducted. The respondents will ensure that the payment of interest is made to the applicant within a period of three months from the date of receipt of a copy of this order.

Rao
(R.K. Ahooja)
Member(A)

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