

S

Central Administrative Tribunal
Principal Bench

O.A.No.2915/97

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

New Delhi, this the 2nd day of April, 1998

Dr. S.L.Mishra
Ex. Senior Scientific Officer (Gr.I)
Army Hospital
Delhi Cantt. - 10
r/o C4E/118 Pocket-8
Janakpuri
New Delhi 110 058. ... Applicant
(In person)

Vs.

1. Secretary
Ministry of Defence
South Block
New Delhi.
2. Director General Medical Service(Army)
DGMS - 3(B) 'L' Block
Central Secretariat
New Delhi.
3. Commandant
Army Hospital (Army R & R Hospital)
Dhaua Kuan
Delhi Cantt - 10. ... Respondents
(By Shri Rajeev Bansal, Advocate for Respondents No.1)
(By Shri V.S.R.Krishna, Advocate for Respondent No.2 & 3)

O R D E R (Oral)

The applicant is a Senior Scientific Officer in the Army Hospital, Delhi cantonment who retired, on attaining the age of superannuation, on 30.11.1996. His grievance is that the respondents have delayed the payment of various retiral benefits to him for periods ranging from 4 to 8 months. He states that the following payments have been made and paid to him on the dates mentioned below:

Particulars	Amount Rs.	Due on	Paid on	Period of delay
CGEIS	15,116/-	1.12.1996	27.3.1997	4 months
GPF	5,41,507/-	1.12.1996	07.4.1997	4 months
Leave Encash- ment	53,527/-	1.12.1996	30.4.1997	5 months
DCRG	1,25,968/-	1.12.1996	01.8.1997	8 months

04

-2-

6

Commutation	89,496/-	1.12.1996	01.8.1997	8 months
Pension w.e.f 1.12.1996 to July, 1997	44,582/-		29.7.1997	8 months

2. Respondent No.1 has not filed a reply. However, a reply has been filed by Respondents No.2 and 3. In their reply the dates mentioned by the applicant regarding payment of the retiral benefits have not been denied. Respondents however state that the delay occurred due to laxity on the part of the applicant who submitted the pension papers only in November, 1996. As per Rules such papers are to be submitted six to eight months prior to the date of retirement as time is required by the respondents for processing the same. In view of this position they submit that only the normal time for processing the case was taken and hence there is no delay in payment of the retiral benefits.

3. I have heard the applicant in person and the counsel for the respondents. The applicant submits that pension papers were completed in November, 1996, shortly before retirement, as the concerned clerk in the administrative wing had given the complete papers to him only in the month of November, 1996. He also submits that it was the responsibility of the administrative wing to have the papers completed and to obtain his signatures at the appropriate time. I have considered the matter carefully. While the applicant himself has undoubtedly been lax in completing his pension papers, and leaving the whole thing to the administrative staff of the hospital, nevertheless the respondents cannot absolve themselves of the responsibility in the matter. The payment of the GPF amount was received by the applicant only on 7.4.1997 by a Cheque. On the other hand, he was

Q40

-3-

7

allowed interest on the GPF upto 30.11.1996 only.

Whatever the reason, the fact remains that the said amount of GPF which was due to the applicant remained with the respondents who are therefore liable to pay at least normal rate of interest thereon till the date of actual date of release. Similarly the pension which should have been released, even on the admission of the respondents, within three months after the date of retirement, since pension papers were completed in the month of November, 1996, was actually paid on 1.8.1997, i.e., after the gap of eight months. In view of this position, in my view the applicant is also entitled to interest thereon beyond 31.3.1997. The applicant also claims interest on the late payment of commuted amount of pension. Since the applicant is entitled to receive pension till the date of payment of commuted amount, therefore he is not entitled to any interest whatsoever on late payment of the commuted amount to him. No interest is due to be paid also in the facts and circumstances of the case on CGEIS and Leave Encashment.

4. In view of the above discussion, this OA is disposed of with a direction to the respondents to calculate the interest at the rate of 12% per annum on the GPF amount from 1.12.1996 to 31.4.1997 and to pay the same to the applicant. They will also to pay 18% interest on the arrears of pension beyond the 1.3.1997, i.e., upto 29.7.1997. Payment of 18% interest is also allowed on delayed payment of DCRG from 1.3.1997 to 1.8.1997.

5. The respondents will complete the entire exercise within three months from the date of receipt of a copy of this order. No costs.

/rao/


(R.K. Ahuja)
Member(A)