

Central Administrative Tribunal, Principal Bench

O.A.No.293/97

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

New Delhi, this the 19th day of September, 1997

Shri Raj Singh  
D.E.O. (P.E) Retd.  
3013/3A, Street No.18,  
Ranjit Nagar  
New Delhi - 110 008.

... Applicant

(By Shri D.R.Gupta, Advocate)

Vs.

1. Director of Education  
Old Sectt.  
New Delhi.
2. Dy. Director of Education  
Physical Education  
Chattarpal Stadium  
Model Town  
Delhi.
3. Chief Secretary to the  
Govt. of N.C.T. of Delhi  
Alipur Road  
Delhi.

... Respondents

(By Shri Vijay Pandita, Advocate)

O R D E R (Oral)

The applicant retired from the service of the respondents on 29.2.1992. His grievance is that he was not paid his retiral benefits of GPF, Gratuity, Leave Encashment, Commutation of Pension, etc in time. The payment of GPF which was due on 1.3.1992 was actually ~~made~~ made to him on 13.5.1993. The payment of gratuity was delayed nearly by five years and was made on 14.2.1997. Similarly, leave encashment was delayed and made on 4.4.1997. The payments other than provisional pension and GPF ~~were~~ made after the filing of this OA.

2. The respondents in their reply state that the delay in payment of the above amounts took place because there was a vigilance enquiry against him and payments could not be released for want of vigilance clearance certificate which was received from the department only on 11.7.1996.

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3. I have heard the learned counsel on both sides. The learned counsel for the applicant submits that as per rules, the respondents were duty bound to make the payment of pension as well as GPF dues within six months. The payment was delayed for nearly two years. He claims that interest must be paid by the respondents as the money which was to be paid to the applicant remained with the respondents during the intervening period. As regards the other dues he submits that there was no disciplinary enquiry pending against the applicant and there was no charge-sheet whatsoever issued to him. The learned counsel for the respondents, on the other hand, reiterates that until a decision was taken regarding the proposed vigilance enquiry and clearance was received, payments could not have been released.

4. I have carefully gone through the above contentions. So far as the claim of interest on Pension and GPF is concerned, the payments were made, admittedly in 1993. The applicant has come before the Tribunal in February, 1997. Even if the applicant had a claim for interest, he has now come to the Tribunal much too late. I am therefore not inclined to grant the prayer for interest on the delayed payments due by these two accounts. However, the respondents have no satisfactory explanation for delayed payments in respect of Insurance, Leave Encashment and Gratuity. Just because the respondents proposed to initiate an enquiry which in fact was never started, can be no ground for non-payment of retiral benefits. They are therefore liable to pay the interest on these amounts. I however do not accept the claim of the applicant that he is also entitled to interest on the payment of commuted amount of pension because he was being paid (provisional) pension till the payment of retiral benefits.

5. In the light of the above discussion, I dispose of this OA with a direction that the respondents will pay 18% interest on the delayed payment for the period of three months after the due

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date to the date of actual payment in respect of Insurance, Leave Encashment and Gratuity. The said payment will be made within three months from the date of receipt of a copy of this order.

*R. K. Ahooja*  
(R. K. AHOOJA)  
MEMBER(A)

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