

Central Administrative Tribunal
Principal Bench: New Delhi

OA 308/97

New Delhi this the 17th day of September 1997.

Hon'ble Mr N. Sahu, Member (A)

Tara Singh
S/o Late Biri Singh
R/o C/o Shri Jayanti Pd.
6/1 Private Colony
Srinivasपुरi
New Delhi-65.

...Applicant

(By advocate: Mr D.P.Sharma)

Versus

Union of India through

1. Secretary
Ministry of Communication
Dept. of Posts
New Delhi.
2. The Director Accounts (Postal)
Hazratganj, Lucknow (U.P.)
3. The Sr. Supdt. Post Offices
Mathura Division
Civil Lines
Mathura.
4. The Sr. Postmaster
Civil Lines Mathura.

...Respondents

(By advocate: Mr N.S.Mehta)

O R D E R (Oral)

Hon'ble Mr N. Sahu, Member (A)

On 15.6.1993, the applicant gave 3 months notice to respondent No.3 for voluntary retirement. This was accepted by respondent No.3. Applicant was voluntarily retired w.e.f. 15.9.1993. By order dated 9.11.93, provisional pension of Rs. 377 per month plus admissible DA w.e.f. 15.9.93 as also provisional retirement gratuity amounting to Rs. 11,000 was sanctioned (Annexure A-2). Thereafter, the applicant made several appeals for finalising his pension and gratuity. It was only by order dated 12.6.97 (Annexure R-7) that final

5

pension of Rs. 430 per month w.e.f. 15.9.93 and the final gratuity amounting to Rs. 14,375 were sanctioned. Even now, the applicant has not received the payments relating to CGEGIS as well as commutation of his pension.

2. It is submitted by the learned counsel for the respondents that the applicant was on extra-ordinary leave on medical grounds w.e.f. 16.2.93 to 18.8.93 and he applied for voluntary retirement on 15.6.93 during the currency of E.O.L. Under the rules, E.O.L. cannot run concurrently with the period of notice. Subsequently, the objection was removed by applying to the Ministry of Pension and the pension case of the applicant has been finalised by the Director of Accounts vide Annexure R-5 dated 12.6.97. This delay was pleaded by the counsel for the respondents as explained by a reasonable cause. When the voluntary retirement was sanctioned, the sanctioning authority overlooked this aspect and, therefore, it took time to secure relaxation from the Ministry. According to the learned counsel, immediately after the order of voluntary retirement, provisional pension was paid which proves the bonafide intention of the respondents. There is no desire to harass the applicant in any manner. He has drawn my attention to a decision of the Supreme Court in UOI Vs. Dr. J.K. Goel case 1995 (3) SCALE 550 to the effect that interest cannot be awarded as a matter of right or in a routine manner without considering the facts of the case and in this case, circumstances justify the delay.

[Signature]

6

3. Learned counsel for the respondents also stated that as soon as orders are received, CGEGIS and commutation will be paid. Respondents shall ensure that the above amounts are paid within 2 months from the date of receipt of a copy of this order.

4. The learned counsel for the applicant has cited before me the celebrated decision of the Apex Court in Padmanabhan Nair's case. The Apex Court held that retiral benefits are no longer items of bounty. They are rights in property and deprivation of the same for an unreasonably long period of time without reasonable cause should be compensated. This point has been reiterated in two other subsequent decisions of the Supreme Court. This is a clear case of delay in payment of retiral benefits. Having retired the applicant voluntarily, respondents are duty bound to clear his retirement benefits within a reasonable period. There may be difficulty in regularising the same as the notice period of EOL overlapped with the period of notice. But relaxation could have been sought and given much earlier and there was no justification for the delay of 4 years in settling a simple pension matter. This delay runs counter to all the assurances, the Govt. of India, Ministry of Pension & Public Grievances have time and again given for promptly clearing all pension matters. In view of this, I respectfully follow the decision of the Supreme Court in Padmanabhan Nair's case and subsequent cases and direct the respondents to pay interest at 10% per annum on all the retirement dues.

7

The delay will be reckoned six months after the date of retirement. Interest calculated on the above basis shall be paid within a period of ten weeks from the date of clearing the rest of the retirement benefits, namely CGEGIS. & commutation of pension. OA is disposed of. No costs.

N. Sahu

(N. Sahu)

Member (A)

C aa.

C