

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 693/97

Hon'ble Sh. R.K. Aahooja, Member (A)

New Delhi, this the 9th day of January, 1998

Sh. Ashutosh Mishra
S/o. Late Sh. K.C. Mishra,
R/o. BB/53 B, Janakpuri,
New Delhi - 110058.

(10)
APPLICANTS

(by Sh.B.J. Malvania, Advocate)

Versus

Union of India.

1. The Chief Secretary
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi - 110054.
2. The Secretary,
Department of Social Welfare,
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg, Delhi-110054.
3. The Director of Social Welfare,
Department of Social Welfare,
Govt. of N.C.T. of Delhi,
Canning Lane, K.G. Marg,
New Delhi - 110001.

RESPONDENTS

(by Sh. Vijay Pandita, Advocate)

O R D E R (Oral)

The applicant joined service in the Directorate of Social Welfare in 1961 and superannuated from the post of Superintendent (Class-II Gazetted) on 31.8.95. He submits that the respondents did not finalise his retiral benefits including pension till the date of filing of the Original Application. He has come before this Tribunal seeking a direction to the respondents to pay his retiral benefits along with interest at the rate of 18 per cent per annum.

2. The respondents in their reply have stated that though the applicant retired on 31.8.95, he did not complete the pension papers till 19.6.96. They also state that the pensionary benefits were fully paid to the applicant on 31.3.97. The delay in

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resolving the retiral benefits have taken place as the applicant had been under suspension from 1992 and the manner of treatment of suspension period had not been decided.

3. I have heard the counsel on both sides. The learned counsel for the applicant states that the applicant could not file the pension papers as he had to wait for the orders on the suspension period, i.e., whether it was to be treated on duty. The learned counsel submits that as no charge-sheet or vigilance case was pending against the applicant at the time of his superannuation, the respondents were, under the rules, required to have the period of suspension treated as on duty. However, the decision was delayed and the orders in respect of the suspension period were issued only on 17.5.96. In the circumstances it was not the fault of the applicant that he could not complete the pension papers till 19.6.96. The learned counsel for the respondents, on the other hand, submits that the retiral benefits were already paid at the time when the applicant filed this OA. This fact has not been brought out by the applicant. He argues that the delay in clearing the pensionary benefits was entirely on account of the time taken in resolving the issue of suspension period.

4. I have considered the matter. Clearly the delay in making the payment of retiral benefits has been on account of delay in taking a decisions on the suspension period. The fact remains however that the pension papers were completed and submitted by the applicant on 19.6.96, whereafter the respondents have to be allowed a period of three months to examine the same and to issue the requisite orders for release of the payments. However, the respondents, for whatever reason, continued to delay the issue of the final orders till 31.3.97 and on that date the payments were received by the applicant.

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5. In the above circumstances, I consider it appropriate to dispose of this OA with a direction to the respondents to pay interest at the rate of 18 per cent per annum on the amount of arrears of pension and gratuity from the period 19.9.96 to 31.3.97. This shall be done within a period of three months from the date of receipt of a copy of this order.

The OA is disposed of as above. No costs.

Rakesh
(R.K. AHOOJA)
MEMBER (A)

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