

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 798/94. /

Date of decision. 3-12-94

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial).

Smt. K. Nirmal,
W/o Shri S. Kumar,
Resident of C-401,
Saraswati Vihar,
Delhi-110 034. ... Applicant

(By Advocate Shri Parmeshwari Sahai)

versus:

1. Union of India,
through the Secretary
of Education, Govt. of National
Capital of Territory of Delhi,
Old Secretariat, Delhi.
2. Director of Education,
Government of N.C.T.D.,
Old Secretariat,
Delhi.
3. Principal,
Govt. (Comp) (M) Girls,
Sr. Sec. School, Vikaspuri,
New Delhi-110 018. ... Respondents

(By Advocate Shri Jog Singh)

O_R_D_E_R

✓ Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial) ✓

The applicant, who has retired as a Teacher
from Government (Comp) (M) Girls Senior Secondary
School, Pratap Nagar, on 18.11.1992, has filed this
application for the following reliefs :-

(i) That all pensionary benefits i.e.

pension, gratuity and commuted value
of pension may be paid to the appli-
cant immediately along with interest
for late payment at 18% per annum
from the date of retirement till the
date of payment.

(ii) In case of further delay, provisional pension, gratuity etc. may be paid to her.

(iii) Any other relief.

The facts of this are not disputed with regard to the retirement of the applicant who had sought voluntary retirement w.e.f. 18.11.1992. The respondents, in their reply filed on 20.10.1994, state that the applicant had already been paid the retiral benefits/dues as under :-

- (1) C.G.E.I.S. vide bill no. P-151, dated 20.12.93 for Rs. 2896/- paid on 5.1.94.
- (2) Credit of E.L. vide bill no. P-116, dated 14.10.93 for Rs. 1238/- paid on 5.1.94.
- (3) E.O.L. converted in E.L. payment made vide bill no. P-117, dated 14.10.93 for Rs. 8393/- on 5.3.94.
- (4) G.P.F. final withdrawal vide bill no. P-165, dated 7.2.94 for Rs. 145657/- paid on 5.3.94.
- (5) Payment of commutation of pension for Rs. 67988/- and Rs. 46850/- as gratuity already been paid on 17.5.94 which was received by Sh. Sushil Kumar, the husband of the retired employee.

The respondents have tried to explain the delay in the payments on the ground that the same was possible only after the issue of 48 days leave on medical grounds in lieu of extraordinary leave as requested by the applicant, was settled after the meeting held with the applicant's

husband on 13th September, 1993. On the other hand, the applicant has submitted that all her pension papers had been completed and submitted to the respondents as early as 23.11.1992 which had been received by them on 25.11.1992 (Annexure B). The learned counsel for the applicant has urged that the delay in making payment of the retiral benefits due to the applicant has caused mental harrassment and agony to her for no fault of the applicant.

2. I have heard both the learned counsel and perused the records. This appears to be a case where unnecessarily the respondents have delayed payment of the retiral benefits to the applicant for more than one year for even on the undisputed amounts. no justifiable reasons. The reasons for the delay given by the respondents are attributable to the conversion of 48 days leave on medical grounds in lieu of leave, extra-ordinary ~~are~~ in no way justifies the delayed payment of the other retiral benefits to the applicant like gratuity, commutation of pension, G.P.F. etc. It is also further noticed that it was only after the applicant filed this O.A. on 15.4.1994 that some of the retiral benefits had been paid to her on which admittedly there has been no dispute whatsoever.

3. In the facts and circumstances of the case this succeeds and application ~~is~~ the applicant is entitled for 12% interest per annum on the delayed payments relating to her retiral benefits, i.e. pension, gratuity, commuted value of pension, G.P.F. accumulation, leave

on cashment and other retiral benefits from the date of retirement till the date of payment. The respondents are directed to make payment of the interest amount to the applicant within two months of the receipt of a copy of this order.

4. The application is allowed. Costs are also awarded in favour of the applicant against the respondents which is quantified as Rs. 500/-.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (Judicial)