

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1593/94

New Delhi: May 18, 1995

HON'BLE MR. S.R.ADIGE, MEMBER (A).

Shri B.D.Juneja,
s/o Shri Manna Ram,
r/o C-4D/18-C, Janakpuri,
New Delhi-110058.

.....Applicant.

By Shri K.B.S.Rajan, Advocate.

Versus

1. Union of India,
through it-s Secretary,
Ministry of Irrigation,
Shastri Bhawan,
New Delhi.

2. The Chairman,
Central Water Commission,
Sewa Bhawan,
R.K.Puram,
New Delhi-110066

3. Pay & Accounts Officer,
Central Water Commission,
through Controller of Accounts,
Ministry of Water Resources,
E-Wing, Ground Floor, Shastri Bhawan,
New Delhi-110001.

.....Respondents.

By Shri Madhav Panikar.

JUDGMENT (ORAL)

The facts of this case lie within a
narrow ^{Compass} compass.

2. Applicant Shri B.D.Juneja, had retired from service on superannuation on 31.1.90. His grievance is that he has not been paid his DCRG amounting to Rs.25,000/-. The respondents contend that certain recoveries were to be made from the applicant during his service in the CWC, and as they do not have details whether those recoveries have been made or not, they have not been able to release the DCRG in full. They contend that the sums recoverable from the applicant amount to approximately Rs.4600/- although the applicant avers that these recoveries which related to HBA

had been made out of his salary while he was in CWC. (8)

3. It appears that the release of the applicant's DCRG has been delayed, owing to some lack of communication and cordination between the offices of Respondent No.2 and that of Respondent No.3. In any case, the applicant cannot be penalised for such lack of communication and cordination between the two offices of the same department.

4. Under the circumstances, Respondent No.3 is directed to release the DCRG of the applicant in full w-ithin three months from the date of receipt of a copy of this judgment after taking one surety from the applicant, to the satisfaction of the respondent, in respect of the sum allegedly to be recovered from the applicant.

5. A prayer for interest @16% has also been made on the delayed payment. Shri Panikar states that the applicant had initially filed a Civil suit for the recovery of DCRG and it was only on 27.11.93 that the Senior Sub-Judge, Delhi who was trying the case, ordered that the appropriate forum to try the case is the Tribunal. Shri Panikar contends that the interest, if any, would be payable w.e.f. 27.11.93. This contention does not appear to me to be wholly correct because it has been held in catena of judgments that the DCRG is not a bounty to be paid by the Govt. to a retiring employee but in any circumstance has to be paid when the Government servant retires. In the present case, the DCRG due to the applicant soonafter 31.1.90, but because of certain lack of cordination between the two offices of the respondents, it has not been paid to him.

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6. Under the circumstances, it would be fair and equitable if ^{simple} interest at the rate of 12% per annum is paid on the DCRG admissible to the applicant w.e.f. 1.4.90.

7. The DCRG along with the interest should be paid to the applicant in accordance with the directions given above, within three months from the date of receipt of a copy of this judgment.
No costs.

M. Adige.
(S.R. ADIGE)
MEMBER(A)

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