

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.1634 of 1994. 10

New Delhi, this the 24th day of July, 1995.

HON'BLE MR B.K.SINGH, MEMBER(A)

Smt.Usha Sharma
R/O F-6/5, Model Town,
Delhi.

... ... Applicant.

(through Mr R.P.Sharma, Advocate)

vs

1. Government of National Capital Territory of Delhi, through the Chief Secretary
2. *B* 5, Alipur Road, Delhi.
3. Director of Education, Delhi State, Old Sectt. Delhi.
Director of Vigilance, Delhi State, Old Secretariat, Delhi.

(through Mr Anoop Bagai, Advocate).

order(oral)

(delivered by Hon'ble Mr B.K.Singh, Member(A)

Heard the learned counsel for the rival parties.

The applicant retired in October, 1991 and the respondents have not cleared the retiral benefits due to the applicant on two specious grounds; first being that her Service Book has been misplaced, *allegedly*, the responsibility to reconstruct the Service Book or to trace out the original Service Book is that of the respondent, secondly that there was a vigilance case pending against her. The two orders placed before the Court go to show vigilance clearance, one of the Directorate of Vigilance, Delhi Administration dated 19th July, 1995 and another from internal vigilance of the Directorate of Education dated 20th July, 1995. These clearly go to show that there was no vigilance case pending against the applicant. It seems that there has

been inordinate delay in seeking clearance from the internal vigilance of Delhi Administration and also from the internal vigilance of the Directorate of Education.

These two clearances filed by the respondents clearly go to show that there was no case pending against her either with the Directorate of Vigilance, Delhi Administration or with the Directorate of Education. Thus, there was no cogent reason for withholding the retiral benefits of the applicant. There has been culpable delay on the part of the respondents in sorting out the retiral benefits due to the applicant. After giving the grace period of six months from the date of submission of relevant papers by the applicant, the respondents are liable to pay interest to her at the compounded rate of 18% interest per annum as laid down by the Hon'ble Supreme Court in State of Kerala vs. K.Padamnabham Nair, 1988(1)SCC 492 and R.K.Kapoor vs. Director Printing and Publication, JT 1994(6) SC 354. In these two judgments, the Hon'ble Supreme Court had considered callousness, insensitivity and culpable negligence on the part of the administration and granted 18% interest. Admittedly, there is a culpable negligence, callousness and insensitivity in dealing with the case of the applicant and hence the interest @ 18%. All the retiral benefits due to the applicant should be cleared within a period of ^{two} ~~six~~ weeks after the receipt of the certified copy of this order alongwith interest at the compounded rate of interest @ 18% per annum on the amounts, which have not been paid to her. The applicant is also entitled to retiral benefits, including gratuity, pension etc.

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for the entire period of service rendered by her, including the period extended by the Hon'ble Tribunal on the basis of which, the last pay drawn by her as a consequential relief be ^{Computed} compounded for calculation of fresh pensionary benefits and commutation also revised accordingly ^{on} _R of the salary drawn by her and Annexure A-9 would stand quashed and set aside. On the differential amount of pension, she would be entitled to 12% interest after allowing a grace period of six months. ^{She} will also be allowed reimbursement of official calls and rental bill till she was retired by the respondents and not beyond that period. She had in fact continued beyond that period under the orders of this Tribunal.

The above orders would be implemented within a period of three months from the date of receipt of a certified copy of this order.

With these directions, the O.A. is disposed of leaving the parties to bear their own costs.

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(B.K.Singh)
Member(A)

24th July, 1995.

"SDS"