

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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C.C.P. No.60 of 1994
in
O.A. No. 85 of 1993

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Dated at New Delhi, this the 5th day of July, 1994

Hon'ble Mr Justice S. K. Dhaon, Acting Chairman

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

Shri Rajinder Singh
R/o 8/13-B, Tilak Nagar
NEW DELHI-110018

... Applicant

By Advocate: Shri Gurmeet Singh

VERSUS

1. Shri G. Balakrishnan
Secretary
Ministry of Agriculture
Krishi Bhawan
NEW DELHI

2. Shri S. S. Sodhi
General Manager
Delhi Milk Scheme
West Patel Nagar
NEW DELHI

... Respondents

By Advocate: Shri Madhav Panikar

ORDER
(Oral)

Mr Justice S. K. Dhaon

The applicant has approached this Tribunal with the complaint that the directions given by this Tribunal in OA.85/93 on 17.8.93 have not been carried out by the respondents.

2. To-day the counsel for the respondents has handed over a Cheque amounting to Rs.1,17,295. This amount includes a sum of Rs.1,836/-, the amount payable to the applicant as pension for the month of June, 1994.

3. Counsel for the applicant argued that the applicant should be paid interest also. The applicant

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was due to retire on 31.12.92, on attaining the age of superannuation. On 26.12.83, disciplinary proceedings were initiated against him. Those proceedings were challenged by him by means of OA.85/93 in this Tribunal. This Tribunal, on 17.8.93, quashed the disciplinary proceedings and directed the respondents to pay arrears of pensionary benefits etc. to the applicant within a period of two months from the date of communication of the order. A certified copy of the said judgement was issued to the respondents on 2.9.93. Therefore, in the normal course, the respondents were duty-bound to pay to the applicant all his dues on or before 1.11.93.

The break-up of sum of Rs. 1,17,295 is:

(a) Leave Encashment	--	Rs. 30,744
(b) P.I.C. arrears	--	Rs. 18,858
(c) Commutation of Pension	--	Rs. 43,932
(d) D.C.R.G.	--	Rs. 21,925
(e) Pension for the month June, 1994	--	Rs. 1,836

Total : Rs. 1,17,295

No satisfactory explanation has been offered as to why the arrears of increments and the commuted value of the pension were not paid to the applicant at all.

4. Counsel for the respondents urged that, according to the respondents, certain amount is payable by the applicant. The sum was worked out at Rs.11,000 and odd.

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5. We have considered the matter with due care and we are of the opinion that the applicant is entitled to be paid interest on^a sum of Rs.1,15,459 from 2.11.93 onwards and till to-day, the Cheque having been delivered in the court itself, we take judicial notice of the fact that Hon'ble Supreme Court while considering the question of grant of interest, has laid emphasis that in a matter of payment of pensionary benefits, a government servant is entitled to interest at the penal rate.

6. However, we direct the respondents to pay interest at the rate of 12% p.a. to the applicant. The interest shall be calculated from 2.11.93 till 5.7.94 on a sum of Rs.1,15,459 and paid to the applicant within a period of two months from the date of receipt of a certified copy of this order, as agreed to by the counsel for the respondents at the Bar. If the interest is not paid within the said period, apart from the liability of being prosecuted for contempt of the Tribunal, the respondents would be liable to pay interest at the rate of 18% p.a. immediately after the expiry of the period of two months from the date of the receipt of a certified copy of this order.

7. With these directions, this C.C.P. is disposed of. Notices issued to the respondents are discharged.

No costs.

(B. K. Singh)
Member (A)

(S. K. Dhaon)
Acting Chairman

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