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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1292/2000

New Delhi, this the 17th day of the May, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Shri B.L. Gupta
S/o Shri Ram Gopal,
R/o 45/5-C, Gai No.14,
East Azad Nagar,
Delhi-110 051.

... Applicant

(By Advocate: Shri S.K. Gupta)

V E R S U S

1. Govt. of NCT of Delhi
Through Chief Secretary,
5, Sham Nath Marg,
Delhi.
2. Director,
Directorate of Education,
Old Secretariat,
Delhi.
3. Pay and Accounts Officer,
P.A.O. -10
Govt. of Delhi
Old Secretariat,
Delhi.
4. Sr. Accounts Officer,
Central Pension Accounting Office,
Trikut-II, Bhikaji Cama Place,
New Delhi.

... Respondents

(By Advocate: Mrs. Meera Chhibber)

ORDER

By S.A.T. Rizvi, Member (A):

Disciplinary proceedings were pending against the applicant when he retired on superannuation on 30.4.1995. The said proceedings concluded in the expression of Govt.'s displeasure conveyed vide order dated 10.6.1998. Soon thereafter vigilance clearance was received in respect of the applicant on 7.8.1998. On 29.8.1998 the PAO was requested to finalise the retiral benefits due to the applicant. As a result, Rs.139161/- was paid to the applicant as gratuity in

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October 1998. Similarly, the commuted value of pension was also paid to him in that very month. The aforesaid amount as Rs.94176/-. Insofar as the arrears of pension revised on the implementation of the Vth Central Pay Commission is concerned, the applicant took up the matter directly with the PAO on 25.10.1999. Requisite revision was made and the matter was referred to the Central Pension Accounting Officer (in short "CPAO") on 27.10.1999 (R-IV). There was some confusion in the office of CPAO which has resulted in delay. However, the amount involved has been deposited in the applicant's Account No.33786. According to the respondents, the CPAO is an independent body and does not come under the purview of Pay and Accounts Officer. The respondents No.1, 2 and 3 also do not exercise any control over the CPAO. The learned counsel appearing on behalf of the respondents has, in the circumstances, taken the plea that respondents No.1 to No.3 can-not be held responsible for the delay in question for which respondent No.4 alone can be held responsible, if at all. The learned counsel for the respondents also submits that on account of some genuine confusion that had arisen it will not be correct to hold the respondent No.4 guilty either for any delay in this matter and, therefore, the applicant cannot claim interest on delayed payment. The learned counsel for the respondents in this regard place reliance on K.V. Janakiraman Vs. Union of India and Anr., decided by Hyderabad Bench of this Tribunal on 31.3.1994 in OA No.85/1994. I have perused the aforesaid judgement and find that the same dealt with the payment of gratuity



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alone and held that since the applicant in that case had not been finally exonerated interest on the delayed payment of gratuity could not be claimed.

2. The present case, according to the learned counsel for the applicant is distinguished from the aforesaid case inasmuch as the claim of interest made herein is in respect of delay in making payments due to the applicant on account of revision in his pension following the implementation of the Vth Central Pay Commission Report. The applicant claimed payment of interest from 27.10.1999 which is the date on which the Pay and Accounts Officer had conveyed the revision in pension and residuary pension in respect of the applicant to the CPAO, upto 26.11.2000 on which the arrears of revised pension have been paid into the applicant's account. The learned counsel for the applicant claims payment of interest on the aforesaid amount at the rate of 18% by placing reliance on Vijay L. Mehrotra Vs. State of UP and Ors., reported in JT 2000 (5) SC 171.


3. After a careful consideration of the matter, I find that a totally avoidable delay has taken place in the payment of the arrears of the revised pension to the applicant and for this delay the responsibility lies squarely on the shoulders of Respondent No.4. Accordingly, the OA partly succeeds and is allowed. The respondents are directed to pay interest to the applicant on the arrears of revised pension paid to him on 26.11.2000 at the rate of 18% for the period from 27.10.1999 to 26.11.2000. Other reliefs sought by the



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applicant are not pressed. The aforesaid payment will be made by the respondents within a period of two months from the date of service of a copy of this order. No costs.



(S.A.T. Rizvi)
MEMBER (A)

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