

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 22/2000

New Delhi this the 21st day of July, 2000

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

Shri R.C. Sharma  
S/o Late Shri Chander Bhan Sharma  
R/o 1/4971 Street No. 2  
Balbir Nagar Extn.  
Shahdara, Delhi-110032.

...Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Lt. Governor, Govt. of NCT of Delhi  
Through

1. The Chief Secretary  
Govt. of NCT of Delhi  
5, Sham Nath Marg  
Delhi-110054.
2. The Commissioner of Sales Tax  
Sales Tax Department  
Bikrikar Bhawan  
I.P. Estate, New Delhi
3. The Controller of Accounts  
Govt. of NCT of Delhi  
Mori Gate, Delhi-110006

...Respondents

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

By Smt. Lakshmi Swaminathan, Member (J)

The applicant who has retired on superannuation from the services of the respondents is aggrieved by the letter issued by them dated 15.11.99 rejecting his representation for payment of interest on his retiral benefits.

2. The brief relevant facts of the case are that the applicant who was working as Sales Tax Officer (STO) retired on superannuation on 31.7.95. At the time of his retirement the respondents had issued a charge sheet under Rule 14 of the CCS (CCA) Rules, 1965, which was

pending against him. Respondents have stated that they have granted provisional pension to him but had withheld the DCRG amount under Rule-69 (C) of the CCS (Pension) Rules, 1972. b

3. The aforesaid disciplinary proceedings which were pending against the applicant at the time of his retirement were dropped by the competent authority by his order dated 24.3.98 (Annexure A-9). Thereafter according to the respondents, the final amounts due to the applicant by way of retiral benefits like pension, DCRG, Commutation value of pension and UTGEIS were paid to him. They have contended that there has been no delay on their part. The payment of the retiral benefits to the applicant took some time, as they had to complete certain formalities in accordance with the rules.

4. Shri B.S. Mainee, learned counsel has, however, submitted that even after the charges against the applicant were dropped by order dated 24.3.98, the respondents had delayed the payment of the retiral dues to the applicant. Hence, this OA in which the main issue is the claim for interest @ 18% per annum on the amounts of retiral benefits as mentioned in para-8.

5. I have carefully perused the pleadings and considered the submissions made by the learned counsel for the parties. The claims are dealt with as below.

6. On the claim for interest made by the applicant on the Provident Fund, in view of the averments made by the respondents in para-4.9 of the

reply that they have made the payment of interest on this amount upto the month of September 1996, further claim for interest made by the applicant will not be tenable.

7. On UTGEIS, the respondents have stated that they have paid the amount on 9.1.1996, which is prior to the dropping of the charges which were pending against the applicant at the time of his retirement. In the facts and circumstances of the case, therefore, the respondents are directed to pay interest on this amount @ 12% per annum from 1.8.95 till the date of actual payment.

8. With regard to the claim for interest on DCRG amounts, it is noticed from the reply that the respondents have paid the same vide their Bill dated 10.9.98. As they have themselves admitted that the charge against the applicant had been dropped by order dated 24.3.98, the applicant shall be entitled to interest on the delayed payment of retirement gratuity in terms of para-3 of the Govt. of India's Decision under Rule-68 of CCS (Pension) Rules, 1972. This amount shall be paid in accordance with the rules and instructions within two months from the date of receipt of a copy of this order.

9. The respondents have stated in their reply that the applicant had already been sanctioned provisional pension. In the circumstances of the case, the interest on commutation value of pension shall become payable to the applicant after the date of the dropping of the charge sheet. Taking into account the

L facts and circumstances of the case, respondents are directed to pay 12% interest on this amount from 1.5.98 till the date of actual payment. (9)

10. On the remaining amount of retiral benefits by way of encashment of leave, in the facts and circumstances of the case, the applicant shall be entitled to 12% per annum from 1.5.98 till the date of actual payment of this amount.

11. The applicant has also claimed interest on arrears of revised pension for the period from 1.1.96 to the date of payment on 9.6.99. It is noted that the respondents have already granted provisional pension to the applicant even at the time when the major penalty disciplinary proceedings were pending against him which were finally dropped only on 24.3.98. In the circumstances of the case, the claim for interest on arrears of the difference in the pension after revision w.e.f. 1.1.96 will be payable only from 1.5.98 till the date of actual payment. The same rate of interest will be applicable i.e. 12% per annum.

12. In this OA, applicant had also submitted that his case for crossing Efficiency Bar (EB) from the due date has still not been finalised by the respondents. Respondents in their reply filed on 21.2.2000 have submitted that the case of the applicant for crossing E.B. is under process. They have also mentioned that it is the E.B. for the year 1985 which the applicant has now raised in an OA which has been filed on 4.1.2000. While the respondents no doubt have

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to complete this process in as short a time as possible, taking into account the facts and circumstances of the case, the claim for interest on this amount is rejected. However, respondents are directed to complete the process within three months from the date of receipt of a copy of this order.

13. The O.A. is disposed of as above. No order as to costs.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member (J)

cc.