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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2208 of 2001

New Delhi, this the 1th day of August, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL.)

Shri C.P.S. Nim,
Principal (Retd.)
r/o B-49, Sector-15,
Distt. Gautam Budh Nagar,
Noida (U.P.)
(By Advocate: Shri U.S. Chaudhary)

-APPLICANT

Versus

Director of Education,
N.C.T. of Delhi,
Directorate of Education
Old Sectt.,
Delhi-110064.
(By Advocate: Shri Ashwani Bhardwaj proxy counsel
of Shri Rajan Sharma)

-RESPONDENT

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl.)

Applicant has filed this OA for release of his
retiral benefits alongwith interest at the rate of 24%
per annum. The applicant had superannuated on 31th
August, 1998. He is aggrieved of withholding of his
retiral benefits.

2. In response to his representation of 5.1.98
applicant was informed that vigilance clearance could not
be issued to him on account of recovery of Rs.12504/-
from the applicant and one Shyam Sunder. However, during
the pendency of the OA on 27th March, 2001, the
retirement dues had been cleared and payment had been
made to the applicant. Only claim, therefore, survives
whether he is entitled to the interest for the late
payment or not.

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3. Learned counsel for the respondents submitted that due to the vigilance case pending, the retirement benefits had been released only after getting clearance from the vigilance and that the applicant is not entitled to any interest. The applicant submits that Rule 68 of CCS(Pension) Rules, authorises grant of interest upon delayed payment of retiral dues. In support of this contention, applicant has annexed an O.M.dated 25.8.94 at Annexure AA to the rejoinder which directs that in case of delay in releasing retiral benefits 12% interest compounded annually be paid to the employee concerned.

4. Now the question arises whether any enquiry was pending because of which respondents could have withheld the retiral benefits. Since no notice contemplating an enquiry was issued to the applicant, no enquiry can be said to be pending against the applicant.

5. I have considered the case and I am of the considered opinion that the applicant is entitled to interest at the rate specified in notification at Annexure AA to his rejoinder. Hence the OA is allowed to the extent and the respondents shall pay interest at the rate spficiied in the notification Annexure AA to the rejoinder from the date when the retiral benefits fell due to him till the date of appointment. No costs.

kuldip
(KULDIP SINGH)
MEMBER(JUDL)

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