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In the Central Administrative Tribunal  
Principal Bench  
New Delhi.

OA No.1267/89

Date of decision:10.9.92.

Sh.R.C.Gupta

....

Applicant

versus.

Union of India through  
Secretary, Planning Commission,  
& anr. ....

Respondents

CORAM: THE HON'BLE SH.S.P.MUKERJI, VICE-CHAIRMAN(A)  
THE HON'BLE SH.T.S.OBEROI, MEMBER(J)

For the Applicant

...

Applicant in person.

For the Respondents

...

None.

1. Whether local papers may be allowed to  
see the Judgement? *Yes*.

2. To be referred to the reporter or not? *No*.

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SH.S.P.MUKERJI, VICE-  
CHAIRMAN)

In this application filed on 2.9.1988, the  
applicant has prayed for the following reliefs:-

- " (i) that the withheld liberalised pensionary benefits accruing thereto may be released immediately to mitigate under financial hardship to the applicant.
- (ii) that any other relief i.e. interest @ 18% p.a. on the amount illegally withheld by them since the date of absorption of the applicant in Rural Electrification Corporation be also passed in favour of the applicant."

The applicant was originally working in the Planning Commission and after rendering more than 20 years' service there, he was transferred to the Rural Electrification Corporation on 8.9.72 and was simultaneously absorbed there. He has claimed pensionary benefits in respect of this service in the Planning Commission upto 8.9.1972.


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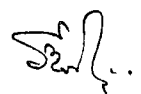
2. The application was not contested by the respondents as in spite of service, none entered appearance on their behalf and no counter has been filed so far. When the case was taken up for peremptory hearing today, the <sup>applicant</sup> appeared in person and submitted that so far as the first relief regarding pensionary benefits is concerned, the amount has been paid but the second relief regarding interest for delayed payments has not been accorded to him. He argued that in accordance with the latest order No. Adm. III 7(101)/87, dated 13.11.90, the Planning Commission has modified their earlier letter dated 22.1.1975 (page 10 of the paper-book) and para (iv) of the letter ~~is to~~ reads as follows:-

" Pro-rata pension & gratuity, etc., shall be admissible to Shri R.C. Gupta in respect of his service rendered under Government of India would be disbursable from the date of absorption in the Rural Electrification Corporation, i.e., with effect from 9.9.1972."

From the above, it is clear that the applicant is entitled to the payment of pro-rata pension and gratuity with effect from the date of his absorption in the Rural Electrification Corporation i.e. 9.9.72. The gratuity and the accumulated value of pro-rata pension was paid to him in November 1982 to cover his pensionary entitlement from 1982 onwards. In accordance with the aforesaid order dated 13.11.90, since the applicant has now become entitled to pension and gratuity right from 9.9.72, he is entitled to the accumulated pension for the period between 1972

and 1982 which has been paid to him in March, 1992. Since the accumulated pension would have been normally paid spread over the period of 10 years between 1972 to 1982, the accumulated pension payment for the purpose of interest can be deemed to have accrued to him from 1977. He is thus entitled to interest for this accumulated pension, from 1977 to 1992 i.e. for a period of 15 years. So far as the gratuity is concerned, the same should have been paid to him in 1972, whereas it was paid in 1982 and, accordingly, he is entitled to interest on the amount of gratuity for the period of 10 years between 1972 and 1982. Keeping the conspectus of the facts and circumstances of the case in view, we dispose of the OA with the direction to the respondents that interest on the delayed payment of accumulated pension and the gratuity for the period, as indicated above, should be at paid to the applicant at the rate of 10% p.a. (simple interest) within a period of three months from the date of communication of a copy of this judgement. No order as to costs.

  
(T.S. OBEROI)  
MEMBER(J)

  
10.9.92  
(S.P. MUKERJI) 10.9.92  
VICE-CHAIRMAN(A)