

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA No. 2266/89

Date: 6.9.1990

GIAN SINGH

.....APPLICANT

Versus

UNION OF INDIA

.....RESPONDENTS.

ADVOCATES:

Shri S.K.Sawhney

... for the applicant

Shri Inderjit Sharma

... for the respondents.

CORAM:

Hon'ble Mr.T.S. Oberoi, Judicial Member

Hon'ble Mr. I.K. Rasgotra, Administrative Member.

J U D G E M E N T

(Judgement of the Bench delivered by
Hon'ble Member Mr. I.K. Rasgotra)

Shri Gian Singh, retired as Assistant Transportation Superintendent on 31-3-1989 on attaining the age of superannuation. He was issued a major penalty charge-sheet on 27-3-1989. He filed this application under Section 19 of the Administrative Tribunal Act, aggrieved by non-payment of his retirement dues. As this was a short matter and related to payment of retirement dues, it was taken up for final disposal at the admission stage itself. As directed by us, the respondents have filed a detailed statement of the payments made to the applicant.

2. The position of payment of retirement benefits as has finally emerged is as under:-

(a) Provident Fund - An amount of Rs. 50,751/- has been paid on 19-11-1989 with interest upto 30-9-1989.

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(b) Pension - Provisional pension has been sanctioned w.e.f. 1-4-1989 @ Rs.1563/- per month equivalent to his full pension.

(c) Leave Encashment - An amount of Rs. 32,250/- has been paid to the applicant on 19-11-1989. The respondents have explained that the applicant's leave account was not available and as such the same had to be reconstructed. The date of retirement on superannuation is known well in advance and in accordance with the Rules and instruction in vogue, the respondents are required to check the accounts and take necessary action for settling the terminal benefits of retiring officer on the day of retirement. Thus action should have been taken by the respondents to reconstruct the leave account well in time, when it was averred that leave account of the applicant was not available. There is no justification for delaying the payment of the leave encashment till 19-11-1989. We are of the view that the applicant should be paid interest on the amount of leave encashment at 12 per cent for the period 1-4-1989 to 31-10-1989.

(d) Group Insurance - The amount of Rs.3,704/- has been paid on 19-11-1989..

(e) Commutation of Pension - This has been withheld pending conclusion of proceedings in the major penalty charge-sheet.

(f) Transferred TA and packing allowance as due have also been paid.



contd....

3. The reliefs claimed by the applicant have thus substantially been provided as above.

Keeping in view the facts of the case, we are disposing of the application with the following directions.

The respondents shall pay interest to the applicant

- (1) at the relevant rate on the amount of the Provident Fund for the period 1-10-1989 to 31-10-1989,
- (2) @ 12 per cent on the amount of leave encashment paid to him on 19-11-1989.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A) 6/9/90

T.S. Oberoi
(T.S. OBEROI)
MEMBER (J)